

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, February 22, 2010, at 5:18 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Nancy Carter, Andy Dulin, Patsy Kinsey, Edwin Peacock III

ABSENT UNTIL NOTED: Councilmembers Susan Burgess, David Howard, Warren Turner

ABSENT: Councilmembers Patrick Cannon, Warren Cooksey, James Mitchell

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin asked about Item No. 21 and said there is a lot of parking deck work going on out there. The boots look old and worn out. He said they were rusted. I was out there the other night, and it's just not something I was proud of, so I just didn't know if this had something to do with this contract or not.

Ron Kimble, Deputy City Manager, said we'll get the answer for you, Mr. Dulin.

Councilmember Dulin said we spend so much money having a bathroom attendant in the bathrooms. The parking deck, the machinery could be picked up, too. The General Airport Revenue Bonds, No. 23, I just can't put a \$240 million consent item in there without bringing it up. Can somebody from the Airport describe to us on the record what we will be doing? I'm for them. I'm going to vote to pass them, but I would like for something – and I have a write-up here. I can read down the list for people, but I think we need to discuss that if we are talking about big dollars.

Councilmember Burgess arrived at 5:20 p.m.

Mr. Kimble said Mr. Orr was before you to talk about his strategic plan, the three-year master plan. We are also going out there on April 5th as part of your Council agenda to see all of those, but we can go into a little bit more detail if you want to.

Councilmember Dulin said I think it's important. We are going to ask the citizens of Charlotte to borrow \$240 million so we can continue our good work at the Airport. I just think we need to talk about it. Thank you. That's it, Mr. Mayor.

Councilmember Carter said I would like to discuss the environmental inclusion on the construction of the Fire Administration Facility. I think that's newsworthy, and I would love for our citizens to know how proactive our city is in building green buildings. There is not a question. It's just I would like to bring up those points of environmentalism.

Councilmember Burgess said I just had one, and it's No. 24, on the MPO about the grant from the state, I think, but in the write-up, it said 80% federal government funding, 10% state, and 10% local, and my question is who pays the local part? Are all the partners assessed, or does the City pay it all?

Mr. Kimble said we'll get that answered for you. Mr. Mayor, before you leave Consent, there is one item on an appointment to the Keep Charlotte Beautiful Committee, and we wanted to point that out. We know we are under study right now between Keep Charlotte Beautiful and Keep Mecklenburg Beautiful, so it would be up to Council if you want to defer that and continue that until after the study is done on that potential study that we are doing right now.

Councilmember Dulin said we just talked about that 20 minutes ago in the Environment Committee meeting and decided to push on with it and go ahead and make the appointment and let it work itself out. Is that right, Mr. Chairman?

Councilmember Peacock said, yes, it is.

Mayor Foxx said one other housekeeping item. We haven't done anything to commemorate black history month this month, so what I thought I would do tonight is do a proclamation in honor of Franklin McCain, who is one of the four gentlemen who sat down at the lunch counter in Greensboro, so just wanted to let you all know we would be putting that on the agenda at 7:00 in recognition.

Councilmember Howard arrived at 5:23 p.m.

ITEM NO. 2: BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM GRANT

Ron Kimble, Deputy City Manager, said I would like to call on Chuck Robinson, the director of our Business Support Services Key Business Unit, who is going to describe to you a grant opportunity that we have using stimulus funds, and he is going to run through this with you and give you the overview. Chuck will cover this, and it will come back to you for your March 8th City Council Agenda for consideration.

Chuck Robinson, Business Support Services, said, as Ron said, I'm here this evening to talk to you about a grant opportunity we have through the stimulus grants. He began a PowerPoint presentation entitled, "Broadband Grant Overview, a copy of which is on file in the City Clerk's Office, and said, as you may recall, as means of background, the City and the County consolidated the radio system under the City's management back in 2003. Part of that agreement anticipated taking the radio system and making it become a regional service provider. Back in 2004, the City was awarded \$6 million in grants, and the purpose of that grant was to provide microwave connectivity for all of the counties in the Urban Area Security Initiative Region, which is 11 counties – two in South Carolina. In 2008 and 2009, the City was awarded additional grants to upgrade the 800-trunk radio system for the express purpose of providing a core so that other counties and municipalities could join that system. The cities of Gastonia, Belmont, and Mt. Holly are already participating in the system. Union County will come onto the system later on this year, and we are also negotiating right now with Cabarrus County to join the 800-trunk system.

In 2008, the City with all of its partners in the system began planning the new ten-year strategic plan, and to develop this plan, we did a very good analysis of all the current and future user needs. We also did an analysis of current and future technology to see where the service that our customers needed and technology would take us. Early in 2010, last month that would be, the Radio Communications Council, which is the governing group for the radio system, approved the strategic plan. The plan has some very specific things to accomplish in the first five years of the plan and then some general system requirements in the last five years to grow the system again to perform regional services. The previous strategic plan really helped us in two ways. First, it provided a clear demonstration of the regional focus of the City-County system, but it also presented a workable strategy to those who would help fund the system, and that's why we were able to get over \$11 million in grants to expand the radio system.

The American Recovery and Reinvestment Act established the Broadband Technologies Opportunities Grant. The purpose of this grant is to grow broadband access throughout the country. The program provided \$7.2 billion in grant opportunities. There were originally going to be three rounds of grants. The first one ended in September, and there were \$2.4 billion to be awarded in that first round. But because of the timeline, they decided to collapse rounds 2 and 3 so there is going to be \$4.8 billion awarded in the second round, and those applications are due on March 15th. The City is proposing a grant application –

Councilmember Dulin said I take it our application is underway.

Mr. Robinson said, yes, our application is being formed right now. The City is proposing a grant application to, number one, improve access and use of broadband by public safety agencies and to also improve the access by anchor institutions by which we mean university and colleges, medical facilities, libraries to increase access in all of those emergency services and a broad

range of customers associated with them. What does that mean for us? Well, it really is talking about mobile data, you know, how our emergency services get mobile data in their vehicles, when they are away from their vehicles. It can also be remote videos during either emergencies or events or we can set up remote video cameras that then link back wirelessly for services and monitoring.

The Broadband Technology Opportunity Grant matches first and foremost our strategic plan. I mean we are not going after the dollars because there are dollars there to get. We are going after these dollars because they dovetail right into the strategic plan that has been approved by the Radio Communications Council. When we saw the grant and how it matched our strategic plan, we developed a broad stakeholder group that you can see here, and one thing that all the stakeholders had in common was that nobody had cash to give to this process, so the stakeholders all agreed that if we were going to go after this grant that the grant match, which is the 20% match, had to be met with in-kind services. And, what do we mean by in-kind services? The County is throwing in project management services, which counts toward our match. We are also looking at infrastructure such as fiber to backhaul the data that the City owns, which counts as in-kind services towards that grant; real estate for tower sites, current tower sites to house antennas. All of those things are considered in-kind matches that go towards the 20% that we have to fund.

The grant strategy is really a very simple strategy focused on public safety and anchor institutions and then to build, operate, and manage the system through a private-public partnership. Our intent is really not to increase headcount to the city, bring in a new service structure inside the city, but to partner with a current service provider such as AT&T or Verizon or Motorola, somebody that is currently in this business, to build, operate, and manage this system, and we would just be a subscriber on the system, but the City would own the asset.

The anticipated cost of the grant is about \$22.7 million. That includes our in-kind match. Right now we have about 25% in a match, and we are about a million dollars more than we need in grant match, and the reason why we are there is because when you submit your grant application a lot of times the grant evaluators will say certain things aren't allowed as matches, and we anticipate losing some, but we wanted to go in with more than enough to meet the requirements so if we lost some during the process we might still qualify for the grant. The total grant dollars we would receive are about \$17 million, about \$15.8 of which would go to equipment and about \$1.2 tied up in construction of towers and that type of thing. The advantages to the City are very clear. First and foremost, public safety would have –

Councilmember Dulin said going back up – before you got too far away from it. Get back up to where it says “no funds” – the top line, the \$5.6 million. On that, in-kind match, no funds. Can you explain? Maybe I wasn't listening well enough.

Mr. Robinson said all the stakeholders agree that none of us had cash to pump into a system. We just didn't have it. We didn't have the capital funds, we didn't have the operating funds, it was a very tough economic time for everyone involved. So everyone agreed that if we are going to submit for the grant, the required match, 20%, had to be met with in-kind services. What that means is –

Councilmember Dulin said that's where I lost it. I'm sorry. Keep going.

Mr. Robinson said if we were going to put a tower on, say, a fire station site the real estate value associated with that would be an in-kind match. If we were to put an antenna on one of our existing towers, we charge about \$1,200 a month as a lease fee. Well, that lease fee would be an in-kind match.

Councilmember Dulin said you would have to do a lot of that to get to 5.6 million bucks.

Mr. Robinson said you get to multiply that over the first five years, so when you are running 28-plus tower sites it adds up very, very quickly.

Councilmember Dulin said thank you.

Mr. Robinson said the advantages to the City, as I was saying, are very clear. First, it's a private network for public safety. You may remember back in 2001 during 911 and also during Katrina public safety really had a problem with common carrier networks. Their cell phones didn't work, their data didn't work, and it wasn't only public safety but everyone involved because the systems were just overloaded. This provides public safety not only with a private network but a private network in a licensed frequency spectrum that only they can use, so it provides a high level of reliability. It gets you into the system with no capital debt, so the fees we pay into the system pay for the operation and maintenance and also pay forward for the refresh of the technology.

We anticipate a 40 to 50% decrease over what we are currently paying. We pay about – on average it's about \$43.50 a month for a modem. That would drop to about \$30 a month, and these are very conservative numbers that we are looking at. You know, the total cost advantage to all the system users right now is about \$364,000 a year, but we didn't include a couple of services because we weren't really sure on the value of those services and those are primarily automatic vehicle location, vehicle telemetry data – those kinds of things.

There would be no increase in the City's operational overhead. Again, the plan is that it would be built, operated, and maintained by a common carrier. We would be a subscriber. Although we own the infrastructure, they would operate and maintain it. What it would provide is increased access to broadband services by the City and the County. There is a real pent-up demand for that because right now there are a number of work crews in the field that can't get cheap data back, and there are more ways to use the data more effectively and efficiently if we can drive down the cost for City services.

Again, a public-private partnership agreement could include a lot of things. We know that initially we are going to have some excess bandwidth. We might be able to leverage that excess bandwidth into roaming on the carrier's own network, so they would provide services not only within our private network but once we leave our network as well, or we might be able to sell some of that excess bandwidth when we don't need it. The steps forward are to present an RCA to Council with a recommendation to move forward on the grant at its March 8th meeting and then to submit the grant by its deadline on March 15th.

Mayor Foxx said can we translate this kind of investment into jobs?

Mr. Robinson said part of it will be some jobs. There is going to be a small amount of construction without a doubt. There is also going to have to be local billing and those types of stuff. What that impact is, sir, I could not tell you.

Mayor Foxx said I imagine there are some components of this that would involve not just building hard stick, but maybe is there an IT component of this that will spin out of this investment?

Mr. Robinson said a large IT component because what we are really doing is we are enabling mobile data in a variety of forms for a variety of different purposes. It really will enable us to approach technology a little bit differently as we perform our work.

Mayor Foxx said the reason I ask is because I have been around the community a little bit talking to people who are unemployed, and one of the most significant groups that has shown up to some of the events I have been to are IT professionals that are looking for work, and it would be nice to be able to match up some of those folks to jobs as part of this activity.

Mr. Robinson said, again, it would be a common carrier that we would look to build, operate, and maintain, and there would definitely be jobs associated with that.

Councilmember Barnes said I just want to confirm whether we are going to be hiring any permanent employees as a part of this process?

Mr. Robinson said the intent is no, and that's the reason for the public-private partnership is to really put the operation, maintenance, billing, all of that stuff onto the common carrier. They

really have the expertise. I mean they are doing it now for a huge customer base. There is no need for us to go and recreate those skills inside the city.

Councilmember Barnes said you said the intent is no, but is there any scenario under which you would envision us having to hire people as permanent City employees?

Mr. Robinson said not at this time, not unless we could clearly demonstrate a cost of damage.

Councilmember Burgess said if we are awarded a partial grant is there a way that this can be scaled down and we can still use it to our benefit?

Mr. Robinson said we could scale it, but it's impact would be tough to manage. The system that we currently have got mapped will cover the entire county, and in order to meet our number one goal, which is public safety, it's something that we really need to do. When you look at our partners that are involved, all the northern towns are involved – Davidson, Huntersville, Cornelius, Matthews, Mint Hill – and all are looking for this system to meet their needs, so if it became scaled down, it would really limit how we could blanket the area with data and render it with limited use.

Councilmember Howard said what about the part that I don't see on here would be the state relates to the DA's Office and the issue that we talked about at the Retreat, how to make sure there is one entry when it comes to when an offender goes into the system. Any talks with the State at all about since we are linking everybody else up to figure out how to include this in this as well?

Mr. Robinson said the State currently uses our 800-trunk radio system. The technology that we will be employing is called LTE – long term evolution product – which is a federal standard for emergency communications, so it would link back. And, the other piece of good news about that is should we require outside support in an emergency in our area as well, because we are meeting the federal standards, those public safety folks that responded would be able to operate on that network as well.

Councilmember Dulin said what's the opportunity for people to hack into this system after we purchase it and build it out?

Mr. Robinson said that's always a risk. The system – and it's a risk with our current technology. The CIO's office provides us with a very aggressive security manager that we are all very proud of, and we would employ him to his maximum extent to make sure that this network was safe as well.

Mayor Foxx said thank you very much. This item will be coming back to us in March, so we'll have a chance to talk about it more.

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ITEM NO. 3: BOARDED-UP STRUCTURES ORDINANCE UPDATE

Mayor Foxx said the second and third items are actually somewhat related. We are going to talk about boarded-up structures, and then we are going to talk about a boarded-up structure.

Ron Kimble, Deputy City Manager, said both of these next two items we are recommending that you allow these to be referred to the Housing and Neighborhood Development (HAND) Committee for further exploration, but we wanted to kind of set the context and set the tone for the Council as a whole. I will turn it over to Walter Abernethy.

Walter Abernethy, Neighborhood and Business Services, began a PowerPoint presentation entitled, "Boarded-Up Structures Ordinance Update," a copy of which is on file in the City Clerk's Office, and said I'm really here to give you a very quick overview of boarded-up structures and kind of put it in context of what we are asking you to look at. The ordinance was established in July 2007, and very simply the ordinance allows residential structures to be

boarded up no longer than six months. There are some specifics to the ordinance. It does require registration of boarded-up structures. That registration is set up on-line. It's a cost-free registration. We also during the process of considering this ordinance and developing it, which was really important, we looked at some standards for boarding up so that you were not allowed to put anything on the house. You had some standards in terms of how you went about doing that, what kind of equipment, what kind of materials you use to board it up, and this particular ordinance when it was passed does authorize the issuance of civil penalties for people that don't comply with the board-up rules.

I guess number wise the registration listing is a rotating list. It can go up; it can go down. It's almost a day-to-day thing based on some of the things that are going on now in the community in terms of economy and foreclosures and different things. I have had at any time or another around 200 structures registered on the list. I do think that is important contextually because when we first did the study – when Police and Code went out and did the study – it took about a month to get this data. We didn't have but about 350 boarded up structures in the city, and most of those were clustered within our Neighborhood Action Plan areas, which you might expect. As I said, it changes regularly as those properties are sold during that six-month timeframe. Our inspectors do respond to citizen requests to investigate unregistered boarded-up structures and structures that have been boarded up longer than the established timeframe.

What we have heard in the community –

Councilmember Carter said sorry to interrupt you, Mr. Abernethy. So it's the citizens who notify you when the time limit has been exceeded or if someone has boarded up something without notifying?

Mr. Abernethy said not exactly. If they have registered, I have a system in place in my office that prompts us that the six months has expired, so we do that ourselves – I do that. Now, if the citizen has a structure in their neighborhood that they feel like has been boarded up for too long, we encourage them to call 311, and we'll go out and investigate that. If it hasn't been registered, we'll make them register, and then the clock starts ticking. It really is set up as a service request basis in that context. We just don't have the resources to go around and look at the houses individually and try to determine that citywide and still enforce the other ordinances, but we do have a system in place that tells me when it has been registered and tells us when the six months has expired.

What we have heard is from some of the property owners based on the current economic times is that it is very difficult for them to sell or rent those properties within that six-month timeframe. We also have found something out in trying to enforce this is that when we have large multifamily communities, large apartment complexes that go into foreclosure, other large buildings that are residential in nature that would apply, the enforcement of those has been very difficult so that is an area of concern in terms of how the ordinance is set up, and essentially the property owner just feel in some cases that putting that six-month timeframe is just not practical anymore with what has been going on in the community in terms of foreclosure and so forth.

Neighborhood leaders also expressed some concerns on the other side of that coin. They told us that the way the rule is now if the boards come off we are going to make them fix the house. They fix the house, and they still can't sell it, still can't rent it. We tell them they can't put the boards back on, and in some areas – not all areas – but in some areas there is a lot of concern about vagrancy, about vandalism to the property, again kind of going back to that issue is the six-month time – is that the right timeframe for the ordinance. As Mr. Kimble pointed out, we are asking the City Manager that Council refer this boarded-up structures to the HAND Committee for review and to give us some guidance about where to go with this.

[Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and]
[carried unanimously to refer this item to the Housing and Neighborhood Development]
[Committee.]

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ITEM NO. 4: JOHNSTON AND MECKLENBURG MILLS REDEVELOPMENT

Mayor Foxx said now we are moving to Johnston and Mecklenburg Mills redevelopment.

Ron Kimble, Deputy City Manager, said this is a structure that is boarded up owned by the City of Charlotte, and we wanted to give you an update of I think you might call it the two-year saga. I think there was an agreement that was signed back in '08 on this particular site. The economic conditions are such that is not going to go forward. It was cancelled as of December 31, 2008, and Stan Wilson is going to cover some of that detail with you today.

Stan Wilson, Neighborhood and Business Services, began a PowerPoint presentation entitled, "Johnston and Mecklenburg Mills Redevelopment Update," a copy of which is on file in the City Clerk's office, and said, as Mr. Kimble mentioned, once again, this is an item to be referred back to the Housing and Neighborhood Development (HAND) Committee. On July 28, 2008, the City Council approved the purchase and sale agreement between the City and NoDa Mills, LLC for the purchase of Johnston and Mecklenburg Mills for approximately \$475,000. NoDa Mills, LLC is a partnership between Bank of America, CDC, and Tuscan Development, and NoDa Mills was selected through a request for a proposal process.

The RFP that was issued to the developers had a host of criteria, one of which was looking for a return on the City's investment, quality in terms of design, management plan that would maintain the property as affordable, and then there were a number of other elements – affordable housing, City policy goals, the ability of the developer to secure construction and permanent financing, bringing equity to the project, higher density, and also connectivity between the site and the light rail station. The list goes on a little bit more -- the development that complimented existing historic and artistic character of the neighborhood. The developer was to purchase this property "as is" and to design, rehabilitate, market, and manage the property, so we were looking for preservation. In addition to that, the City was not going to invest any additional monies other than what has already been put into the development.

So, the proposal that NoDa Mills, LLC submitted called for 170 rental units of which 75 would be affordable. It included 28 for sale condominiums, restaurant, catering facility, art gallery, office space, as well as pedestrian friendly retail streetscape and retail and pedestrian connectivity. NoDa Mills completed their due diligence and inspections on the property, but due to the economic conditions and financing challenges, they weren't able to close and subsequently redevelop the property. The agreement, as Mr. Kimble mentioned, expired December 30, 2008, so at this point in time, we do not have a contractual obligation with NoDa Mills, LLC. As mentioned, this property actually remains boarded up and actually is not in compliance with the boarded-up structure ordinance. Again, the City Manager is requesting that this item be referred to the HAND Committee.

[Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and]
[carried unanimously to refer this item to the Housing and Neighborhood Development]
[Committee.]

Mayor Foxx said I would like to see the debate between Walter and Stan.

Councilmember Kinsey said I do have a question of Walter. Commercial buildings – I can't remember what our boarding up policy is there. Is that six months?

Walter Abernethy, Neighborhood and Business Services, said, no, ma'am, we did not include commercial buildings when that ordinance passed. It was just residential.

Councilmember Kinsey said I knew it wasn't in this ordinance. I didn't know if we had a separate ordinance or not. I couldn't remember.

Mr. Abernethy said in our new non-residential ordinance that comes into effect April 1st, there is some property maintenance connectivity with that new ordinance. That will be April 1st, but we did not include the board up as part of that in the original when this passed.

Councilmember Kinsey said it's interesting that the mills are not yet residential. They are really commercial. No one lives there.

Councilmember Burgess said she brings up an interesting point. Our last use was residential. Is it residential or commercial?

Councilmember Kinsey said probably doesn't matter.

Mr. Wilson said we are actually considering it residential because that was the last use.

Councilmember Burgess said so our residential boarded-up structure would apply?

Mr. Wilson said correct.

Councilmember Burgess said I saw an email today from a business leader in NoDa. He mentioned that one of the responders to the RFP was the group Winter from Atlanta, and they are – I don't know where their capital is coming from, but they are working in Elizabeth and they also did a really wonderful project in NoDa. I don't know if it would be – the HAND Committee might suggest that we reopen to see if there is anybody out there with some money, but we have got to do something. We can't just let it sit.

Mr. Wilson said that is the type of discussion we are looking at going back to the HAND Committee to have.

Councilmember Dulin said in going back to committee do we have any idea how long it will stay in committee before decisions are made. It's up to the committee to do their work – I understand that – but none of us want it to linger another two years, and it could easily if we don't put dots on "I's" and cross "T's".

Mayor Foxx said that's a really good point, Mr. Dulin. I think all of us have a sense of urgency about trying to get this site figured out.

Councilmember Barnes said, Mr. Mayor, I can assure you, Mr. Dulin, that we will work with all deliberate speed. It should have been done two years ago.

Councilmember Peacock said my question is on a subject I wanted to ask Walter. He sent a memo about the mobile food vendor ordinance. I will come to that after yours. I don't think yours is on the same subject.

Councilmember Kinsey said, no, it isn't. See if I can remember it now. I will put my two cents worth in. I hope we can find a developer and we can save these buildings. The second thing is that is in District 1, and I get an awful lot of information back to me from residents of District 1. Apparently some of the plywood has been pulled off. People have gotten into the buildings, and some not nice things are going on, so I'm assuming we know about that situation.

Mr. Wilson said we do, and we and Code and my group work together and go out there regularly to take care of that.

Councilmember Peacock said, Walter, my question was we received a memo about the mobile food vendor ordinance. Is that simply an update, or was that something that we were –

Mr. Abernethy said it was just an update, Mr. Peacock. I believe Ms. Carter had inquired about how that was going, and it was just a basic update about permitting and enforcement.

Councilmember Peacock said so when we passed the ordinance last year this was not a scheduled presentation from you of any type or memo?

Mr. Abernethy said for food vendors?

Councilmember Peacock said yes.

Mr. Abernethy said I think we had said we would get back to you and talk to you about kind of what it looked like right now, and that was the intent of that.

Councilmember Peacock said as I recall that memo basically said it's going well; is that correct?

Mr. Abernethy said, yes, sir.

Councilmember Dulin said while we are on that subject – we have a little bit of time – but I read that, and it seems to me that the work we did on mobile food vendors is indeed making those neighborhoods safer. I haven't heard a single complaint in a year. I appreciate that update.

Councilmember Carter said you are not hearing anything because there are no more mobile food vendors in the neighborhood. They cannot establish themselves. There is a regulation about where they are located. They cannot locate across the street. They were put out of business.

Councilmember Dulin said it looks like we put some crime out of business, too.

Mayor Foxx said one thing – Friday at the Job Creation Summit a gentleman who owns, is it Red's Barbeque, the little mobile barbeque station at Tryon and Fourth, said that they are now being told they have to move within 90 days from the site and asked me to go back and see about it, so you will get that request coming through, but there are some lunchtime establishments in the Center City that are getting impacted by this, too.

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Mayor Foxx said got a couple of other little -- well, maybe not little – but items. I got a call just before I came down from someone about a Boy Scouting event. There is a commemoration on March 9th of the Boy Scouts, and they are honoring the Levine family, which, as you all well know, have done so much particularly in recent years to help with the Critical Needs Fund and so forth. They have just really been jumping out. You don't have to say anything right now to me, but if you are interested in going to a dinner on March 9th, please let me know because I told them I would get back to them on what the level of interest was here.

Councilmember Dulin said I'm available.

Mayor Foxx said that's one down. Good. Just let me know by email. The second thing is there have been a series of communications, I think, with many of you about potentially renaming a portion of Brevard Street in honor of Rick Hendrick, and I had a conversation with him this afternoon. I will tell you he is very honored that we are even thinking about it. At this point, I thought I would at least broach the conversation with everyone because I think y'all have been hearing from people out in the community about it. I think it's something that we should do rarely, but in this case you have someone who was the honorary chair of the effort to get the NASCAR Hall here. He has the very clear connection to the automotive industry, and you can just read the paper about his philanthropic involvements in this community, most recently with Haiti and so forth. As I understand it, Ron, the staff -- many moons ago the Council conferred to the staff the ability to do street renamings without Council action, but I thought I would bring it up to discuss, and if folks have any problems with doing that we can maybe go a different way.

Councilmember Burgess said I just learned from emails, and I think it's extremely appropriate, but I really don't know what street is being considered. Is it all of Caldwell, of Brevard, what?

Mayor Foxx said, as I understand it, it would be the block where the NASCAR Hall sits between Stonewall and Martin Luther King of Brevard, so it would be just that one block stretch.

Councilmember Barnes said between the hall and the convention center.

Mayor Foxx said, yes, between the hall and the convention center, so it wouldn't affect any addresses.

Councilmember Peacock said that would change the address of the NASCAR building, wouldn't it?

bvj

Mayor Foxx said it would not.

Councilmember Peacock said it would still be Caldwell?

Ron Kimble, Deputy City Manager, said it fronts on Martin Luther King.

Councilmember Burgess said does it impact anybody else?

Mr. Kimble said no.

Councilmember Carter said Brevard does that semicircle and then continues straight. Would it not be more logical to end at the end of the semicircle as it goes around the Coliseum?

Mayor Foxx said it's not going that far.

Councilmember Carter said I understand that, but would it not be more logical to have the sequence break where there is a break in the service?

Mayor Foxx said I tell you what. We could ask our staff to come up with the most logical piece, but I think it's going to be concluding at Martin Luther King.

Mr. Kimble said that would require I think address changes of other businesses that front on Brevard Street, and I think the idea was to avoid that.

Councilmember Dulin said I'm concerned about changing names of streets – Queens Road, Queens Road East, Sharon, Sharon Avenue, Sharon Road, Sharon-Amity, Wendover, Runnymede, Woodlawn, Eastway on the other side. Rick Hendrick Boulevard-Brevard.

Mayor Foxx said you make a case that people would get confused if we kept the name of the street –

Councilmember Dulin said is there an opportunity for us to leave it Brevard and rename that block the Hendrick Block – this block dedicated to Rick Hendrick with a sign? Rick Hendrick is a nice man – I mean I don't know him, but you know he is certainly worthy. There are many worthy people that we could throw out if you wanted to open it up, which we are not, but I will vote for it if you all want me to, but I want us to think through the name change problem that we seem to – the elders from yesteryear did all those name changes, and we are stuck with them. I would like to try to clean some of those up instead of making another problem.

Mayor Foxx said that's a good point.

Councilmember Howard said I remember from the Retreat Andy didn't like change. I'm joking.

Councilmember Dulin said I'm older than you are, David. I'm set in my ways.

Councilmember Howard said I'm kind of with Nancy, and I agree with you that staff should go and look at it, but to me logically for a couple of reasons it would make sense that little curve thing starts at the arena and stops right there, and if I count right, we have the Park It Now building, United Way –

Mr. Kimble said AT&T.

Councilmember Howard said do they front on that? Okay, that's a big one, but you have a couple that front that way that seem to make some sense. Seeing if we have been talking about making that an entertainment district anyway to kind of call it two streets within four blocks, I'm just asking staff to take that into consideration when they come back with this as well.

Councilmember Kinsey said I could agree to the one block, which should not mess with Brevard Street. That's an historical name, and I will just fight that to the end. I'm assuming it is Brevard and not Caldwell. It's Brevard, okay. We don't need to change that, and remember we are going

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to have a totally new streetscape along there with hopefully restaurants and other businesses, so I don't see changing that at all. I also have a problem – when you said earlier does anybody have a problem with that. I don't have a problem with that, but I do have a problem with allowing staff to start making changes like this without coming to Council.

Mayor Foxx said you got a reaction to that, Ron?

Mr. Kimble said by ordinance the CDOT director has this right, but clearly in the spirit of partnership we understand when issues like this come forward that we are not going to proceed without consulting and involving Council and Mayor.

Councilmember Kinsey said that has happened in the past in District 1.

Councilmember Barnes said I don't know Rick Hendrick but because of the role he played in getting the Hall here. I think it would be appropriate to rename a portion of Brevard Street after him, and because there are no businesses that front on that particular stretch of Brevard Street, it would essentially end where Rick Hendrick Boulevard or Drive or whatever we call it would begin. I share the same concern about willy-nilly name changes, but I think that as Mr. Kimble just indicated they are going to come to us where appropriate, which should be all cases I think is your point, Patsy. So, I think it's a good idea, and I hope we can figure out a way to get it going and help it add to our tourism base in some form or fashion.

Councilmember Howard said point of clarity just for Patsy. Brevard would still be on the other side of the arena, so we not talking about changing all of it.

Councilmember Kinsey said I know what you are talking about.

Councilmember Howard said so it wouldn't go away, I guess is what I'm saying.

Councilmember Kinsey said I would not support anything but that one block.

Councilmember Burgess said I have seen this done in other cities. Maybe it could be – are you calling it Rick Hendrick Boulevard or Rick Hendrick Way or –

Mr. Kimble said hadn't gotten there yet, but Rick Hendrick Way seemed to have kind of the flow to it in the name. That was kind of the suggestion we came up with if it is to be renamed.

Councilmember Burgess said maybe it could be Rick Hendrick Way, and then in little tiny letters Brevard Street. Seriously, I have seen that, and that just kind of makes it –

Mayor Foxx said why don't we do this? Why don't we let the staff work through their channels? I think you are hearing that there is interest in a sensible way to honor Rick Hendrick. I think if you get into extending it, you may get into a little more of a debate about whether that is a good idea or not, but I think for at least that block you have got some support. Why don't you come back to us and let us know what is going on. Also, there is some urgency to this, as I understand it, if it is to be done.

Mr. Kimble said if we are starting to give directions on how to get to the NASCAR Hall of Fame it would be good to make the change prior to March 8. (Tape change) I think if we could bring it back that quickly.

Councilmember Dulin said subject change – same subject, different road, if we can move on. Oddly enough, I have something I would like to change the name of. I have recently cranked up a friendship with former world boxing champion Kelvin Seabrooks, a Charlotte native, a welter weight world champ in 1985, '87, fastest hands in the world at one point. He lives here in Charlotte. He is a security guard at a high school and trying to get junior boxing programs started again. As a matter of fact, I think Patrick Cannon is working with him some. I'm working with him some. Jeff Hood and I are working with him some and just trying to help the guy. He told me that years ago back when he was champ that some of the elected leaders at the time said, oh, Kelvin, we are going to take care of you, man. We are going to name stuff after you, and it's going to be great, and, you know, you are Charlotte's guy. You fast forward now

25 or 30 years, and nothing has happened. So, there is a particular bridge in town that I have had trouble with over the last year or so that has a name that still doesn't make any sense – Pearl Park Way.

Councilmember Kinsey said Pearl Park is right across the street from it.

Councilmember Dulin said it's the way to find Pearl Park. I wasn't going to bring it up, but here y'all brought up changing names. I would like to consider maybe coming through with a pledge to this world champ Charlotte native from 30 years ago that we rename that thing the Kelvin Seabrook Bridge or the Kelvin Seabrook Way.

Councilmember Peacock said how about the Bike Lane Way or Bike Lane Bridge?

Councilmember Dulin said this is a nice man, and he has taken his lumps. Maybe we don't do anything, but if I was ever going to bring it up this would be the opportunity for me to bring it up to the group in a serious way. He does work with the youth already in the schools, but he is making his living and raising his family in Charlotte, North Carolina, so it's not like we are reaching out. He grew up here, former world champion. He is the only man from Charlotte that has ever been a world champion in boxing – man or woman, I guess.

Councilmember Carter said I had asked that staff look at subdivisions out in his area for a street to be named after him. It hasn't gone anywhere that I know of, but I had asked for that in his neighborhood, which is close to Matthews.

Councilmember Dulin said I would be willing to back off a little bit if we could change that street name.

Mayor Foxx said maybe the Transportation staff can take a look at that for you, Andy.

Councilmember Barnes said I didn't hear a second, Mr. Mayor.

Councilmember Dulin said it wasn't a motion.

Councilmember Barnes said I understand. If I might? I'm sure he's a fine man. I believe what was going to be Ms. Kinsey's point that renaming Pearl Parkway after him would be appropriate. I recall when we made the same effort with respect to Second Street and Martin Luther King Boulevard there was quite a bit of consternation about where we would make the name change and the impact on businesses and so forth, and we had a similar change over in District 5, and people were very upset because their addresses were potentially going to change. So it's one of those things where unless it's a new road someplace people are going to be really agitated, so I say that, Mr. Dulin, to ask whether there are any particular places that might be more appropriate. Is there some park or some other facility that we could work with the County on to rename?

Councilmember Dulin said oddly enough out at – I'm drawing a blank now at the park where we are building a new – Park and Rec is building. What's the name of the park? Revolution Park. There is a new rec center being built there that is for boxing. That is a County facility, and one of the things that Jeff Hood and Kelvin and I are going to discuss is possibilities out there. I hadn't really named it. What I had in front of me and what I see every day is the Pearl Parkway, and I really think we missed it over there – still do. I thought this might be a good opportunity to reach out to a man that has done nothing but make Charlotte proud of him.

Mayor Foxx said I tell you what, Andy, if you are willing to be flexible what I think Mr. Barnes and I was also suggesting was that we ask the staff, and it may be that we reach out to the County staff with that facility and do something, but –

Councilmember Dulin said it's impossible to make that bridge wide enough and add the bike lanes that it needs, so it would be easier to change the name.

ITEM NO. 5: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Ron Kimble, Deputy City Manager, said Item 17 I think Ms. Carter wants us to do that in the Council Chambers to identify those green initiatives, and thank you for that opportunity. Item No. 21 was pulled by Mr. Dulin, and that was in regards to the painting of the existing facilities. There is a project to replace all of these within the 24-month period. If you know Mr. Orr like we know Mr. Orr, he is not going to let things slip so they become eyesores, but he wants to spend the least amount of money necessary on the old stuff before the new stuff comes in, so he will pay attention to that.

Councilmember Dulin said I just want to make sure that it was blipping on our screen.

Mr. Kimble said Item No. 23 was also by Mr. Dulin, and Mr. Orr will talk about the \$240 million for the revenue bonds in the Council Chambers. I think that's what you wanted – on camera for that to be talked about. Ms. Burgess asked the question about the 10% local share. That is City of Charlotte money; that is general fund money. That is our contribution towards the overall lead planning agency responsibilities as part of that grant. It's a transit grant.

Councilmember Burgess said is the requirement that Charlotte – what is 10%?

Mr. Kimble said it's an 80-10-10 split grant money from fed, state, and local, and the local share has to come from the general fund in order to put that forth.

Councilmember Burgess said I understand that, but does it have to come – does all the 10% have to come from the City of Charlotte?

Mr. Kimble said as the lead planning agent I believe that is correct. Mr. Pleasant can respond. I think your question is could other municipalities participate in taking down that 10%; is that the question?

Councilmember Burgess said right.

Councilmember Turner arrived at 6:15 p.m.

Danny Pleasant, Charlotte Department of Transportation, said there are two federal grants that support the MPO activity. One of them is more or less a Federal Highway Administration grant. That money is matched proportionately with the rest of the jurisdictions in the MUMPO area. This is a transit planning grant only, and because we are the transit operator for that system it seems appropriate that the City matches that 10% for the transit grant only.

Councilmember Burgess said we are the transit planner, but our transit system is over the city and county and six towns.

Mr. Pleasant said that's correct.

Councilmember Burgess said why does Charlotte pay it all?

Mr. Pleasant said because Charlotte operates the transit system countywide, for sure. So, for example, it wouldn't be appropriate to have Union County support the transit grant since transit doesn't run in Union County. But because the City of Charlotte is the operator of the transit system and the lead planning agency we have traditionally picked up that \$48,000 or so local match. For this particular work that gets done, it almost exclusively supports the travel demand forecasting model, which is required by FTA and prescribed by FTA to qualify for transit grants for new start projects. So, for example, this is the model of work that was used to qualify the south corridor for federal funding. It will be used to qualify the northeast corridor for federal funding, so it's very specific for that purpose.

Councilmember Burgess said why doesn't it come from the half-cent sales tax?

Mr. Pleasant said it historically comes from the City's general fund. It supports both CDOT's work that we do and it supports some of the transit work that CATS does, and they draw down off of this grant as well as CDOT, and those are just work program items that we develop on an annual basis.

Councilmember Burgess said it's not that much money. It's probably – what would you say -- \$48,000?

Mr. Pleasant said \$48,000 a year.

Councilmember Burgess said, however, you used the words "traditionally" and "historically", and tradition and historic precedents were made at a time when the small towns were indeed small towns, and now many of those towns are smaller than the city but very wealthy, and this is just another example of the people of Charlotte paying for a service that benefits the entire county, in fact, the whole MUMPO region. I just don't think that's fair for the people of Charlotte to bear that burden solely. I don't know what the answer is – if there are bigger issues that this affects, but it seems to me like it would be better to come from the half-cent sales tax or spread it as an assessment over all the entities that are part of that planning area.

Mr. Pleasant said we can certainly take under advisement how the local match is produced, whether it's produced out of the general fund as a city or whether we can have that conversation with CATS to see if there is some capacity within the sales tax to make that match.

Councilmember Burgess said we know the CATS budget is stretched. We know our budget is stretched. Is this time sensitive?

Mr. Pleasant said it is relatively time sensitive because we need to go ahead and do the grant applications and have the municipal agreement with the State Department of Transportation, but that doesn't keep us from sorting out how we produce the local match. We can still have some conversation around that.

Councilmember Burgess said I would like to have more of that conversation but still vote on this tonight and figure out the details later.

Mr. Pleasant said this is to qualify us for the 10% state match.

Councilmember Kinsey said two minutes on something totally different. This came up when I was looking at my appointments, and I noticed on one of the commissions two people are from Union County, and I know that in Restructuring Government when we looked at these committees we say that they must be registered to vote in Mecklenburg. I don't know if this is an exception or not, but I really would like – what is it? International Cabinet or something?

Melissa Johnson, Deputy City Clerk, said Charlotte International Cabinet has some nominees.

Councilmember Kinsey said that concerns me. I just want to know if we are treating that board differently from everybody else, but there are two from Union County. I did not nominate them, by the way, but I would like to know that, please.

Mayor Foxx said maybe we can get some feedback from the Clerk's Office on that point.

Councilmember Burgess said I have one other issue. I can bring it up now or afterwards. I have had a couple of calls from people in Dilworth who are concerned that the property at the corner of East Boulevard and Scott and maybe bordered by Kenilworth, the south part of the south side of East Boulevard, is now being used as a parking lot. They put gravel down there and used it for construction parking, and now the gravel is still there although it's really muddy. It's a tremendous eyesore, and the question is whether parking is really allowed there or if we can do something to make that property look better and have a better use. One idea someone mentioned was even a community garden would be better than a muddy, gravelly parking lot.

Mr. Kimble said we'll take a look at this and get a report back.

Councilmember Barnes said do we own it?

Councilmember Burgess said, no, we don't own it.

Mr. Kimble said making sure that it complies with zoning regulations and all regulations.

Councilmember Kinsey said is that the old Epicurean?

Councilmember Burgess said yes.

Mayor Foxx said I want the Epicurean back.

Councilmember Kinsey said me, too.

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The meeting was recessed at 6:25 p.m. for the Council to go to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:31 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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INVOCATION AND PLEDGE

Councilmember Barnes gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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Mayor Foxx said we are pleased tonight to welcome the 2010 Civics 101 course out of the League of Women Voters of Charlotte-Mecklenburg. I think you all are here. Will you stand up if you are here today. They'll be in here later. I'll recognize them when they come.

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CITIZENS' FORUM

CMPD

Darrell Alleyne, 3613 Garganey Ct., said I have been coming down to City Council I guess about 15 years and mainly the same topic – the police officers. Let me say right now that in the Charlotte-Mecklenburg Police Department we have one of the finest departments in the country. From the rank of sergeant, which I know about well, and below, the integrity of the officers is above reproach. Police work is an at-risk profession, which means the more the officers perform their duty the more at risk they become. I want to discuss this alleged assault by one officer of several motorists, which may or may not have happened. What angers me is that the media thinks for some reason all of a sudden the police chief and Internal Affairs can't do their job, they can't be trusted. There's a reason we have an Internal Affairs Division in police work. Without Internal Affairs, the police chief cannot manage his department. Two factions do this. The first is supervision. The sergeants in the street are monitoring, nurturing, and watching the

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police officers' conduct. That's their job. When he came to this department, he first asked for two things – more officers, more supervision. What I see right now is I see more active, a proactive police force as opposed to in the past a secretarial service taking reports and not getting the job done. The visibility of the police is the best deterrent. We have this now with this police chief. The action taken by him was swift and appropriate, and I trust him and this Council. I need not to have a crime czar. I don't need somebody saying he has got to be discussed to the public about records. It's important for the police chief to be able to run and enforce the department. The trust and those officers, again, have to have that privacy for themselves and their families. This is a great department. Let's don't overreact about people saying what should be shown and what is trying to be hidden. Look at his record, look at our officer's record. How many people are stopped every day with no incidents? I spent many years as a police officer, made many stops. People I stopped always have one thing in common – how to get out of the summons. Some knew somebody. There are others that had other ways of trying to negotiate a settlement prior to doing due process. Again, I came down to say one thing – let's not forget it's his department; let's let him run it. You have a great chief. You have a great department. Last, but not least, I have to say, if I can, to my grandson, Justin, happy birthday. I'm going back to the party.

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SIDEWALKS ON PARK ROAD

Chuck Allen, 2900 Park Rd., said I am a resident on Park Road. I am here tonight opposing the \$665,000 Park Road sidewalk retrofit from Sunset Drive to Poindexter Drive -- \$665,000. The City of Charlotte is facing less revenue in 2010 but wants to spend \$665,000 on a two-block sidewalk. Why does the City have to spend this amount of money on a two-block sidewalk? Why are our elected officials choosing to spend this money during a recession? Why not use this money – the \$665,000 – on Charlotte school teachers, on funding Charlotte policemen, or on funding new jobs here in Charlotte. This section of Park Road from Sunset to Poindexter has not had a sidewalk in at least 30 years. Why do we need a two-block sidewalk now? Here are a few facts. Fact one, building the two-block sidewalk on the section of Park Road will not make all Park Road completely accessible to individuals with wheelchairs. Some areas of the old sidewalk are simply too narrow for wheelchair access. Fact two, CDOT claims that this section of Park Road is the only section of Park Road that does not have a sidewalk. This is simply not true. Fact three, with the new two blocks of sidewalk, Charlotte will lose many large, established trees along the Park Road corridor. These large trees cannot be replaced in a lifetime. Mayor Foxx, as you stated on www.anthonyfoxx.com, and I quote, "Every tree we lose compromises our quality of life and costs us money." Please honor your campaign pledge to champion "the protection of our city's shrinking tree canopy" before this construction starts this May. Tonight I ask the City Council to make a motion to stop the Park Road sidewalk retrofit and reallocate the \$665,000 in the budget. Should the City Council refuse to abandon this construction of the Park Road sidewalk, I ask the City Council to postpone the sidewalk retrofit and request that CDOT work for other solutions involving real citizen input and traffic control along Park Road.

Councilmember Barnes said we have heard a number of concerns expressed about sidewalks along Park Road, and there is one part of this in particular that interests me, and that is the work to either remove trees or work around trees. I would like to get a briefing to the Transportation Committee about this particular project at that rate of 665 for two blocks. It seems like we are spending quite a bit of money, and I would like to know more about the cost drivers. So, if Mayor and Council would think that would be without objection, I would appreciate it.

Mayor Foxx said request made. Any objection? No objection made, so, Mr. Kimble, will you put that in writing?

Ron Kimble, Deputy City Manager, said refer to Transportation in the plan.

Councilmember Barnes said, by the way, Mr. Allen, my effort wasn't to stop the project, delay it. I want to get more information so as we move towards May if there is an opportunity to take action we can do it.

Mr. Allen said thank you.

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Mayor Foxx said I will advise with the signs during the Citizens' Forum we typically try to have the focus on the speakers, so if you are going to put the signs up, we are probably going to ask the speakers to speak over here on the advise of our City Attorney on that point.

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PODS AND SEALAND CONTAINERS

Virginia Keogh said for those of you who don't know me my name is Virginia Keogh, and I'm the president of the Southwest Area Neighborhood Coalition, which is located in the Steele Creek area of the county. We have 14 communities that are members of this coalition, and most of them are located along the Nations Ford Road corridor. My reason for being here tonight is basically in support of the Ramblewood neighborhood, and these two speakers are from Ramblewood. The issue is a building permit was issued to one of their neighbors to house a cargo container in his backyard to be used as a storage facility. They believe, as I do, that if Code Enforcement had not dragged their feet, from what I understand, for approximately two years that this cargo container, which is 12 feet high approximately, six feet to 85 feet long, and 320 square feet would not be and should not be in their community or any other community in our city. This is certainly not in line with Keep Charlotte Beautiful. This community is plagued with many problems, and this permit being issued is just another negative not only to this community but to the entire community of Charlotte as well since these containers are legal and could perhaps pop up in other neighborhoods all over the city. With that being said, Ms. Barnes and Mr. White, who actually live in Ramblewood and have been directly involved in the fight against this container being allowed in their community, are here to speak also on that. Thank you for allowing us to speak tonight.

Carrie Barnes, 9922 Nations Ford Rd., said I live in the Ramblewood neighborhood in southwest Charlotte. I come before you this evening to express how disappointed my community is with the way Code Enforcement has handled several of our problems. During a walk-through, stickers were placed on junk cars by the inspector. When a neighbor inquired about previous stickers on cars, the inspector told her there was nothing Code could do to make homeowners remove a junk car. The inspector also stated that he was only in the area because the neighborhood association made him come. Acts of this nature cause confusion in the neighborhood. Unless we were constantly on the phone playing tag with Code Enforcement, very little got done. Some complaints we followed up on showed the cases were closed with no resolution per 311 operator. It took over two years to resolve the complaint involving a Sealand crate in a neighbor's backyard. The result was not to our satisfaction. The explanation given made no sense, and a paper trail between management and field personnel showed the violator basically had helped get him the crate that does not belong in a residential neighborhood legalized. The County issued a permanent permit. Ordinances are created to protect the neighborhood and should not be overridden to satisfy an individual. Most neighbors, hopefully City Council also, would agree that an 85-foot long Sealand crate should not be in a residential – should not be used as a residential storage unit. The container may be legal, but it's not right. As taxpayers, Ramblewood residents recommend that Code Enforcement do their job correctly, consistently, and professionally. Council members, do your job by ensuring that Charlotte is not wasting resources on a department that is only for show. Every neighborhood deserves the same level of protection by their elected officials and paid employees.

James White, 10126 Woody Ridge Rd., said I'm president of the Ramblewood Neighborhood Association, and we appreciate, Mr. Mayor and Council members, for allowing us to address the issue. The issue really is about the quality of life in the Ramblewood community. Ramblewood sits right behind Central Piedmont Harper Campus, which is a nice facility, and when you go further down the street, the quality of life changes. Ramblewood not only has a Sealand container but also has several PODS, which you should only be able to get a permit for 90 days at the most. Well, some people have been having them for a year, two years in their yard. A Sealand container fits in the same category as having a commercial vehicle in your yard. The City of Charlotte passed a city ordinance that you cannot have a commercial vehicle in your yard, and that Sealand container refers to commercial property. Ramblewood has a host of problems, but the quality of life has been affected deeply. Not only has Ramblewood had three break-ins last week, the quality of life has been pulled down because we have absentee landlords

in the community not keeping up their properties, allowing people to bring in, come in, and work on cars and bring everything in the community. We want to see the quality of life in Ramblewood improved. We want that number to change. We want to see Code Enforcement do their job. We know this would not happen in any other community, and we expect them to do their job, and we expect them to get this matter resolved. We thank you for allowing us to address this issue, and we appreciate it.

Councilmember Burgess said I have a couple of questions before you leave. This Sealand container is just awful, and I would love to get from our City Manager some history as to how this came about and what we can do about it, and if you have a street address I think that would be helpful. The handout that you gave us has portable mini-storage. You didn't mention those. Were you going to say something about those?

Ms. Keogh said he addressed it when he was talking about the different PODS.

Councilmember Burgess said what restrictions we have, if any, on these PODS in the neighborhoods.

Mr. Kimble said we sent some information to you Friday night in your Council Manager Memo just giving you some brief background on this. There are a couple of issues here. One of them is if it's a temporary storage structure then it's 90 days for placement of that temporary storage. What happened here was they then applied – the owner of the residence applied for a permanent structure permit and able to obtain that from Mecklenburg County to place that facility in their backyard as an outdoor storage facility. So those are the two issues. When it's temporary, it's regulated by a 90-day period of time that it can be located there. But then if they move right now under the existing regulations and ordinances to make it a permanent structure, we have a zoning ordinance which regulates the setbacks from the side yard and the backyard, regulates probably the size of the facility, regulates a few other things, but it doesn't prohibit – our zoning ordinance wouldn't prohibit the permanent structure being located as long as it met all of those requirements in our zoning ordinance.

Councilmember Carter said, Mr. Mayor, I think I remember we discussed trailers and entities such as this and had an ordinance requiring a brick surround, and it applied to school trailers. If that is so, there is only a Chippendale fence around it, and that might be a way to address the problem. I'm looking at Mr. Abernethy behind you.

Mayor Foxx said have you all gone out and taken a look at it, Walter?

Councilmember Turner said the concern here is – come on, Walter. You can come up to the thing while I'm talking, but this came to our attention, and we had staff go out, and they met with the community at their neighborhood meeting, and basically what our Assistant City Attorney just stated to us is pretty much the facts that put us in this dilemma. You are talking about two different policies that allow this to happen. Our policy today would not allow this to happen, but when the County gave permission, and this gentleman sought this particular container to place it on his property, the ordinance today would tell you that it's legal. Mr. Abernethy came out and met with us with staff and all, and we had them meet and try to explain to them what has taken place to allow this to happen.

Now this is not a very sightful thing to look at every day when it's in your backyard, and we understand that. The problem is even if we change what our current policy reflects that it can't happen today this thing would probably still be grandfathered in because it was legal when it took place, and that's the dilemma that we are facing now, and how do we undo that? I don't know if you can, and we have debated over this for some time now how do we get out here and deal with this matter. You have a memo here that looks like it came from Emerald based on what we have done thus far, and there have been hours of discussion about this. I would personally recommend that this go before probably Neighborhood Development to look at our current policy and look at the County policy to make sure definitely this doesn't happen anywhere else. But if there is a loophole or something we can do legally to fix this matter then that is what we would want us to do, and I'm going to allow Mr. Abernethy to discuss that further based on Code Enforcement because I heard some comments I think we probably need to address in regards to what somebody said and what was stated.

Ms. Keogh said, Councilmember Turner, before Mr. Abernethy speaks our problem was with the timeline because when they started complaining about this and calling Code Enforcement it was not legal for it to be there, and somebody dragged their feet in the meantime, and by the time it got around to him getting this permanent permit, then it became legal. I mean they have been fighting this for going on two years.

Mayor Foxx said thank you, Ms. Keogh, for the clarification.

Walter Abernethy, Neighborhood and Business Services, said I don't have the timing directly in front of me on this, but I do recall appeals. During the appeal process for the trailer, the owner secured an attorney. He also hired a structural engineer, which was required by the County to permit this. The structural engineer had a list of requirements that would have to be met in order to make this trailer into a permanent accessory structure. I don't agree with this decision on the County's part of permitting this. In fact, we did cite it. We were prepared to take them to court to address it if they didn't comply, and we did go through a prolonged process with them – appeals and everything else that would delay the enforcement process, the inevitability. I haven't seen another incident in the city -- I have been around for a while – like this, exactly like this. Now, there are other PODS and issues associated with the 90-day permit, but I haven't seen this before. We don't support this. I have actually as of today have called the County back again today and talked to them about just help me understand, but the story as it has been relayed is very accurate in terms of what the property owner went through to get the approval to get this changed from a temporary container into a permanent container. Right now that is how that stands.

Mayor Foxx said I'm thinking maybe as a step here – I'm learning about this as you are telling me about it. One step would be maybe to have the staff do a write-up on this and maybe, Mac, if you can enlist your staff to give us some understanding of what the legal options are available to us, and maybe at that point we can make a decision about how we move forward. Does that sound like a good plan?

DeWitt McCarley, City Attorney, said we'll do it.

Councilmember Burgess said is this permitted as a storage facility?

Mr. Abernethy said it's being used as an accessory structure essentially for storage.

Councilmember Burgess said how do we know that's what it's used for? How do we know they are not operating a business?

Mr. Abernethy said we looked at it. We have been out there. We were out there again today.

Councilmember Burgess said did you look inside?

Mr. Abernethy said not today, but we have looked inside before.

Councilmember Burgess said is it indeed storage?

Mr. Abernethy said, yes, ma'am. It's not being used for living quarters or anything like that. It's for storage. They have actually placed a turbine ventilator on the top of the container to vent the hot air so it doesn't overheat, and it's being used for storage. It was the last time we looked.

Councilmember Burgess said is it household or commercial storage?

Mr. Abernethy said I think, if I'm not mistaken, the last time I heard it was not commercial storage. It was things like mowing equipment and things like that, but I'm not positive of that. I just know it wasn't being used – no one was living there. It was being used for storage.

Mayor Foxx said we are going to pursue that course of action, and what will happen is we will get a write-up from the staff between now and our next business meeting, and at that point, we'll have a better sense of what our options are. Mr. Turner has already indicated a willingness to try

to refer it to Housing and Neighborhood Development Committee, so we'll take it up in a couple of weeks. I know it's urgent, but that's a good way to do it.

* * * * *

PARK ROAD SIDEWALK

Robert Fitzpatrick, 2808 Park Rd., used a PowerPoint presentation to illustrate his comments and said I'm just going to focus on two points regarding the sidewalk project on Park Road. The first is that the project is really driven by a policy for thoroughfares, not for neighborhoods; and our theme is we are not a thoroughfare, we are a neighborhood, and we are asking for preservation and for the kinds of values that a neighborhood would have. The second issue I want to address is the issue of how crucial is this, how important is this project relative to Park Road, and as an earlier speaker said, we were told that ours was a kind of critical link, a missing link, and it was critical to the whole Park Road. So we went out and took a look at Park Road in other areas, and what we found here is we are one block – almost \$700,000 for our one block. How could this be justified, and it appeared to be completely inconsistent with the rest of Park Road. So we went and looked at the rest of Park Road. Here's in front of Holy Trinity School, where there really are children walking. We don't have children walking in front of ours, but as you can see an effective curb width of only about three feet; in front of St. Ann's School, about two feet. We don't see the City having the capacity for changing any of this in the near future. Here's right in front of Park Road Shopping Center. There are no sidewalks in here. Here's at Selwyn and Park Road, no sidewalk, no access at all. The City would have to move a house in order to put a sidewalk there. Here also are apartment complexes where the sidewalk actually becomes stairways, and there are many dead-end places in there. Will the City have to move the apartment building? Yet on our section, we are receiving this thoroughfare style sidewalk, seven feet wide, eight foot setback in some cases, as much as 25 feet of our yards taken, and in some cases taking elevated yards right down to street level and really wiping out our protection from the tremendous vibrations from that road. So, in conclusion, and I do have copies of this which I will give there when I'm finished, we know that often history and trees have been lost in Charlotte for what are called good reasons. Now we hear connectivity is the watchword here. We also see it's very convenient to be silent when other people's properties and trees are destroyed. A corridor plan has been asked for in the past by neighborhood associations, and we have spoken to three neighborhood associations, and we have petitions from throughout all three. Our conclusion is we can do a lot better than the plan that is on the table.

Mayor Foxx said as I think you heard Mr. Barnes has made a recommendation that this item be referred to our Transportation Committee for more information particularly on the impact on trees, so we'll look forward to hearing back. There are no other speakers on the list, so that concludes the Citizens' Forum.

Unidentified Speaker said I signed up.

Melissa Johnson, Deputy City Clerk, said I'm sorry. We didn't have him on the list earlier today.

Mayor Foxx said you don't have him on the list.

Ms. Johnson said, I'm sorry, I don't have him on the list.

Councilmember Barnes said he said he signed up two weeks ago, Mr. Mayor.

Mayor Foxx said come on down, Martin. In my capacity and ability to make these decisions, I'm going to go ahead and make the decision. I expect I will live to regret it.

Martin Davis said, Mr. Mayor, since you were elected last November, you have repeatedly stated your number one priority as Mayor is job creation. A local unemployment rate is 12.5% according to Wells Fargo economist, Mark Vintner, "Layoffs have slowed, but the hiring rate is at an all-time low right now. I'm absolutely sure the unemployment rate has not topped out." Now, Mr. Mayor, since the recession began in 2007, federal, state and local governments have not been idle. In February 2008, Congress passed \$170 billion stimulus in the form of the

Economic Stimulus Act. In July 2008, Congress passed a \$345 billion stimulus in the form of the Housing and Economic Recovery Act. In February 2009, Congress passed a \$787 billion stimulus in the form of the American Recovery and Reinvestment Act. In March 2009, Congress passed a \$410 billion Omnibus Bill, which included \$12 billion for 9,000 earmarked projects. Total federal expenditure for these four stimulus packages -- \$1.712 trillion. Since the first authorization of the first stimulus package, national debt has increased \$2.9 trillion, and rather than stimulating the economy, unemployment has risen since the federal government began to help us. North Carolina state government, when not going about its usual business of extortion, bribery, racketeering, money laundering, dealing with criminally deprived property, and my personal favorite, failing to fulfill a duty of honest service in a public position, gave us a gigantic tax increase and increased spending by \$1 billion in FY2010. Locally, Mr. Mayor, when you were on Council, you voted to increase the City budget by \$30 million in FY2010. To your credit, City Council managed to restrain itself and only voted to raise 64 separate taxes in the form of higher fees for anyone having the temerity to attempt to conduct lawful business here in Charlotte. Now, Mr. Mayor, you, of course, know the citizens of Charlotte are already the highest taxed citizens of any major city in North Carolina for nine consecutive years. The average Charlottean pays \$2,737 annual in local taxes and fees, almost \$500 more annually than the second place city, Asheville. So, Mr. Mayor, you, Governor Perdue, President Obama, and many fellow traveler Republicans have taxed and spent us into economic oblivion. We are broke and unemployed, and your solution to our problems – more taxing and more spending. Mr. Mayor, I know you sincerely want to help Charlotte. Instruct Mr. Walton to reduce the City budget by 10% immediately, sell the Airport, sell the Water Department, privatize garbage pickup, privatize parking meters, sell all unused City property, scrap the light rail plan, take the money these actions would generate, build \$200 million worth of roads annually, and devote the remainder to tax cuts.

Mayor Foxx said, Martin, that actually wasn't bad.

Mr. Martin said, once again, I'm the only person in Charlotte that holds to these beliefs.

Mayor Foxx said thank you for coming. Appreciate that. Having no further speakers, we will move to the awards and recognitions portion of our meeting. Our awardee actually has not arrived yet, so with the Council's indulgence, maybe I'll insert that when I see him come in. I think it would be nice for him to be here.

* * * * *

CONSENT AGENDA

[Motion was made by Councilmember Burgess, seconded by Councilmember Carter, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 17 and 23 for discussion and Item No. 25-K for speakers.]

The following items were approved:

16. Contract to the lowest bidder, Snider Tire Co. Inc., for the purchase of new and recap tires for refuse trucks for Solid Waste Services.

Summary of Bids

Item 1: 10R22.5 (Tread Pattern XZE – Custom Mold)

<u>Vendor</u>	<u>New</u>	<u>Recap</u>
Snider Tire Co Inc.	\$268/Michelin	\$127.20/Michelin w/casing \$25
Parrish Tire Co.	\$230/Bridgestone \$220/Firestone	\$120.36/Bandag

Item 2: 11R22.5 (Tread Pattern XYZ-2 or Newer Performing Equivalent)

Snider Tire Co. Inc.	\$319.75/Michelin	\$149.95/Michelin w/casing \$65
Parrish Tire Co.	\$330.00/Firestone \$250.00/Firestone	\$165.61/Bandag \$162.25/Bandag

18. Resolution finding the procurement of airfield deicing fluid to be an emergency, and Change Order #1 to an existing purchase order with Clariant Corporation in the amount of \$80,000.

The resolution is recorded in Resolution Book 42 at Page 388.

19. Sole-source contract with Signature Technologies, Inc., d/b/a Com-Net in the amount of \$1,354,403 for the installation of a new Ramp Information Display System without competitive bidding as authorized by the sole source exemption under NCGS 143-129(e)(6).
20. Contract with LS3P Associates LTD in the amount of \$125,700 for architectural and engineering design services for an expansion to Concourse E.
21. Month-to-month service agreement extension with ACS Transport Solutions, Inc. for maintenance of the Airport's automated parking systems for no longer than 24 months in a total estimated amount of \$540,000.
22. Resolution accepting a North Carolina Department of Transportation Grant in the amount of \$750,000, and Budget Ordinance No. 4364 appropriating funds received from the North Carolina Department of Transportation grants in the amount of \$750,000 which will displace a like amount of 2007 General Airport Revenue Bond proceeds.

The resolution is recorded in Resolution Book 42 at Pages 389-390.
The ordinance is recorded in Ordinance Book 56 at Page 535.

24. Resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation to support transit planning activities for the Mecklenburg-Union Metropolitan Planning Organization.

The resolution is recorded in Resolution Book 42 at Page 391.

- 25-A. Ordinance No. 4366-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1713 Dallas Avenue (Neighborhood Statistical Area 58 – Oakhurst Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 537.

- 25-B. Ordinance No. 4367-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5315 Lewhaven Drive (Neighborhood Statistical Area 112 – Toddville Road Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 538.

- 25-C. Ordinance No. 4368-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7100 Oakspring Court (Neighborhood Statistical Area 101 – Olde Whitehall Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 539.

- 25-D. Ordinance No. 4369-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7101 Oakspring Court (Neighborhood Statistical Area 101 – Olde Whitehall Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 540.

- 25-E. Ordinance No. 4370-X authorizing the use of In Rem Remedy to demolish and remove the structure at 666 Bradford Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 541.

- 25-F. Ordinance No. 4371-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5716 Goodman Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 542.

- 25-G. Ordinance No. 4372-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5326 Lynnville Avenue (Neighborhood Statistical Area 58 – Oakhurst Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 543.

- 25-H. Ordinance No. 4373-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2821 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 544.

- 25-I. Ordinance No. 4374-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2617 Osmond Street (Neighborhood Statistical Area 11 – Westover Hills Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 545.

- 25-J. Ordinance No. 4375-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2233/35 Sharon Amity Road (Neighborhood Statistical Area 58 – Oakhurst Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 546.

26. Lease with Carlson Real Estate Company for office and warehouse space for the Fire Department's Urban Search and Rescue (USAR) Team at 3140 Yorkmont Road, Suite 100.

27. Resolution approving a lease with Duke Energy Carolinas, LLC to install rooftop solar panels on the City's Street Maintenance building located at 4411 Northpointe Industrial Boulevard.

The resolution is recorded in Resolution Book 42 at Pages 392-393.

- 28-A. Acquisition of 3,492 square feet in sanitary sewer easement plus 1,945 square feet in temporary construction easement at 2826 Randolph Road from Museum Plaza II, LLC in the amount of \$41,475 for Briar Creek Relief Sewer Phase 2, Parcel #2.

- 28-B. Acquisition of 2,044 square feet in fee simple at 9820 Steele Creek Road from Michael C. Mullis for \$10,050 for Dixie River Road Realignment, Parcel #19.

- 28-C. Acquisition of 1,123 square feet in fee simple plus 14 square feet in utility easement plus 3,799 square feet in temporary construction easement at 3325 Durham Lane from Gary D. Mausner and wife, Nereida Mausner, and Ozark Properties, LLC for \$14,000 for Statesville Road Widening (I-85 to Sunset Road), Parcel #81.

28-D. Resolution of condemnation of 487 square feet of temporary construction easement at 1813 Irma Street from James West Barnes and any other parties of interest for \$100 for Lincoln/Wilson Heights Neighborhood Improvements, Parcel #86.

The resolution is recorded in Resolution Book 42 at Page 394.

28-E. Resolution of condemnation of 5,054 square feet of permanent easement plus temporary construction easement at 4601 Statesville Road from 4601 Statesville Road, LLC and any other parties of interest for \$15,800 for Statesville Road Widening (I-85 to Sunset Road), Parcel #21.

The resolution is recorded in Resolution Book 42 at Page 395.

28-F. Resolution of condemnation of 5,893 square feet of fee simple plus storm drainage easement plus temporary construction easement at 6101 Statesville Road from Frank Fargis and Marie Fargis and any other parties of interest for \$4,850 for Statesville Road widening (I-85 to Sunset Road), Parcel #106.

The resolution is recorded in Resolution Book 42 at Page 396.

29. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the December 21, 2009, Zoning Meeting, and the January 4, 2010, Workshop.

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ITEM NO. 17: FIRE ADMINISTRATION FACILITY DESIGN SERVICES

Councilmember Carter said I think this is a most worthy of recognition agenda item. It's the new fire administration facility. The design services are outstanding, and I hope our staff can give us a report on what is happening. It is an environmentally friendly building, and I think our citizens deserve knowing what's happening at the building.

William Haas, Engineering and Property Management, said we are building a new Fire Department Headquarters Building. I will read for you the goals for this particular project. We haven't started design yet, so these are the goals: Perform an environmental cleanup of the site by removing underground storage tanks in the impacted soil, increase the pervious area of the site. If you have been out there, you can see it's mostly paved, so we are going to remove a lot of that pavement. We are going to plant trees. We are going to try to improve the water quality for the water that leaves that site. We are going to use less water than other comparable facilities. We are going to use 30% less energy than other comparable buildings. We are going to improve indoor air quality for employees, and we are going to use local materials, which hopefully will reduce the CO2 emissions for transportation as it is coming to the project site. So those are some of the goals we have for this project.

Councilmember Carter said one of the red buildings that serves our guys and gals in blue will be green. Thank you very much.

[Motion was made by Councilmember Carter, seconded by Councilmember Howard, and]
[carried unanimously to approve a contract in the amount of \$791,600 with Fryday and]
[Doyne, Inc. for architectural services to design a new fire administration facility.]

Councilmember Burgess said I'm not opposed to this. In fact, I'm real excited about what we are about to build, but I'm really disappointed that we could not save that beautiful, old, historic building, and I asked questions earlier about why that was not possible. I accept those answers, but, once again, Charlotte loses part of our history as we build this exciting green building.

Mr. Haas said we tried very hard to save the building. That was our first choice, but with the new ordinance and the structural stability of it, we would have to remove everything except for the slabs of the first and second floors, and we would basically lose the building anyway. What we are going to attempt to do in this design is to recreate a new building with the type of

construction that is there now and kind of rebuild it in the same style and design and try and grab that look –

Councilmember Burgess said for the public’s use the building that we are talking about is in the “Y” at Statesville Avenue –

Mr. Haas said Statesville and Graham right on Dalton Avenue.

Councilmember Burgess said we can tell that building goodbye, but we are going to replace it with a really lovely building for our fire department, so thanks so much.

* * * * *

ITEM NO. 23: 2010 GENERAL AIRPORT REVENUE BONDS APPROPRIATION

Councilmember Dulin said this is \$240 million worth of Airport bonds that I support, but something that large in a bond referendum that is coming up, I would like for Jerry Orr with the Airport to describe to us briefly about what we are doing and what we will be getting and what we will be asking the citizens to do.

Jerry Orr, Aviation, said these are General Airport Revenue Bonds, which means they are not a debt of the taxpayer; they are a debt of general Airport revenues. These are the bonds that Council approved back in September and were sold in January; \$120 million of them go for new projects, one of which is the new parking revenue control system, one is the paving of the new runway, and one is the new parking deck on Wilkinson Boulevard. Twenty nine million of it is what we call bridge bonds. You remember in December 2007 we got \$124 million letter of credit from the FAA that said they would give us that money in future grants over an eight-year period. Well, we needed to go ahead and award contracts to build the runway, so we borrow money to do that. This \$29 million is variable rate debt, and as those grants come in, we will then call that debt. The remaining \$71 million refunded some bonds that were issued in 1999, and that was to get a better interest rate. Present value savings is \$4.7 million.

Councilmember Dulin said, thank you, Mr. Orr. There are thousands of people that come through Charlotte and don’t see anything but our Airport, so the work we have done inside and the work we are going to do outside to make it a nice place and a welcoming place is a big deal. Thank you for your leadership out there.

Councilmember Barnes said I just want to clarify. These bonds are revenue bonds. They won’t be on any referendum this fall.

Mr. Orr said that’s right. They are revenue bonds. They are already sold.

Councilmember Barnes said so in case anyone thought they were going to be on a ballot they are not.

Mr. Orr said they will not be on a ballot, and they are not a debt of the taxpayer.

Councilmember Barnes said, secondly, I want to take an opportunity to publicly congratulate Mr. Orr and everyone else at the Airport for their recent ranking with JD Power ranking us in the top five, I believe, for airport quality throughout the nation; is that correct?

Mr. Orr said, yes, sir.

Councilmember Barnes said congratulations.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to adopt Budget Ordinance No. 4365 appropriating \$240,163,643]
[of 2010 General Airport Revenue Bonds.]

The ordinance is recorded in Ordinance Book 56 at Page 536.

bvj

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ITEM NO. 25-K: IN REM REMEDY AT 917 STATE STREET

David Tracy, 1812 E. 8th St., said we ask you to grant an extension or delay knocking down 917 State Street. My wife and I would like to buy and restore that house. It's owned by a failed bank, which means we are dealing with the FDIC and just can't get any traction, can't get anybody to answer the phone, so we haven't been able to get it under contract and get it going, but we certainly intend to; and, as soon as we do, we would move forward with this as soon as possible. If you would be willing to grant the extension and let it stand a little bit longer, I would greatly appreciate it.

Mayor Foxx said do you have an idea of when you would get a decision?

Mr. Tracy said no. I mean we know it's moving, but you send them an email; there's no response, nobody answers the phone. We gather that this agency that the FDIC deals with has agents to deal with thousands of properties. I don't have any experience with them, so I don't know how long it will take.

Mayor Foxx said there is a request for an extension.

Councilmember Dulin said along those lines then I don't think you have your financing lined up.

Mr. Tracy said we won't need financing, sir.

Councilmember Dulin said cash transaction?

Mr. Tracy said yes.

Councilmember Dulin said after you renovate this dwelling what are your plans for it?

Mr. Tracy said it would be investment property -- either rent it or sell it.

Councilmember Carter said, Mr. Mayor, this is 917 State Street, correct?

Mayor Foxx said, yes, ma'am.

Councilmember Carter said I have a real concern about this because we are looking at the photos of that building, and we have gang graffiti on that. I'm concerned about the safety in the neighborhood, what is going on in that building, and I'm not sure that it is in the best interest to delay the transaction.

Ron Kimble, Deputy City Manager, said would you like to hear from Mr. Abernethy?

Councilmember Carter said please.

Walter Abernethy, Neighborhood and Business Services, said, Ms. Carter, we share your concern in Code Enforcement on this particular building. Certainly there are gang issues in terms of the graffiti, but also on a practical side the repair of the building is over 100% of what the building is worth. In fact, you could almost build a new building for what it is going to cost you to fix the building, and while we might hear otherwise sometimes from investors, our estimates are actually generally fairly conservative -- less than what it really costs to fix it. So we support the demo. In particular I think one of the issues is timing essentially. We have taken this through the process, which isn't a short process; it's a prolonged process, and it needs to be because you are getting ready to tear somebody's house down, but that said the neighborhood, the issues that are going on around the house, we feel this supports a demo and that we need to move forward with it.

Councilmember Turner said thank you, Walter, for that statement. I want to put a little emphasis on a couple of things here. You are absolutely correct. We have worked so hard over on State

Street and in that community just trying to remove this type of blight there, and with all due respect, I appreciate your interest in this home, but I think you are a little bit too late. In fact, after we tear it down, I would highly recommend that you keep buying the property and build a nicer home there. We have battled this battle too long – way, way too long, sir.

Mr. Tracy said I am late to the game.

Councilmember Turner said I just want us to be mindful that this process didn't start today. We have been dealing with this almost a year now, and I'm going to ask this Council to support the recommendation that we demolish this house on behalf of that it is a safety issue in our community and it is a safety issue in my district.

Councilmember Dulin said I ditto what Councilmember Turner just said. I'm going to vote to tear this house down, sir. Sorry. There are plenty of houses that y'all can invest in.

Mr. Tracy said may I say just one more word?

Mayor Foxx said yes.

Mr. Tracy said I see I have lost it, but the reason we are interested in this house is that somebody did an awful lot of work to the interior, and I don't know that anybody has been inside. I guess they have, but it's really not that far away, and I don't think it would take an awful lot to bring it up to code once we were able to just get in there and do it. I think that – frankly, a nice, little house there would be a heck of a lot nicer than another empty lot in that area.

Mayor Foxx said I think everyone who has wanted to speak has spoken, so let's have a vote on this. The motion is to approve the demolition of this site.

[Motion was made by Councilmember Turner, seconded by Councilmember Dulin, and]
[carried unanimously to adopt Ordinance No. 4376-X authorizing the use of In Rem Remedy]
[to demolish and remove the structure at 917 State Street (Neighborhood Statistical Area]
[18 – Enderly Park Neighborhood.]

The ordinance is recorded in Ordinance Book 56 at Page 547.

Councilmember Burgess said are we moving away from In Rems because I just wanted to make one comment about Tab 22. This is the first time that I have ever looked at a photograph of an In Rem and laughed. Mr. Abernethy, if you have ever made a case for an In Rem, it's Tab 22. Thank you.

Councilmember Dulin said she is showing us a picture of a house that has already been torn down, y'all.

Councilmember Burgess said sort of. Looks like it fell down.

Mayor Foxx said I would like to thank the Council for allowing us to shift the order of things a little bit to do the Awards and Honor tonight, and we are going to do a proclamation tonight in honor of Franklin McCain, who is now here in the room. Mayor Foxx recognized Franklin McCain and read a proclamation honoring Franklin McCain and three other North Carolina A&T students, who sat at the downtown Greensboro Woolworth's lunch counter to protest racially segregated public accommodations, and in celebration of Black History Month. He said that was a pretty powerful moment actually because I have to tell you just sitting in this chair there are not many people I can say truly I wouldn't be sitting here without him, but he is one of them. I want to welcome the League of Women Voters of Charlotte-Mecklenburg 2010 Civics 101 class. Would you stand and be recognized?

bvj

ITEM NO. 7: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF PROSPECT STREET AND AN ALLEYWAY OFF PROSPECT STREET

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against, a motion was made by Councilmember Barnes,]
[seconded by Councilmember Howard, and carried unanimously to conduct a public hearing]
[to close a portion of Prospect Street and an alleyway off Prospect Street, and to adopt a]
[resolution to close.]

The resolution is recorded in Resolution Book 42 at Pages 383-387.

ITEM NO. 9: ROLLOUT CART SERVICE AND MAINTENANCE CONTRACT

[Motion was made by Councilmember Burgess and seconded by Councilmember Kinsey to]
[authorize the City Manager to execute a seven-year service contract beginning July 1, 2010,]
[with Otto Container Management, LLC to provide maintenance, distribution and service for]
[rollout carts used by the City in its solid waste collection programs, and authorize the City]
[Manager to extend the contract for up to three additional one-year terms. The total ten-year]
[contract is expected to not exceed \$11,926,224.]

Councilmember Turner said, Mayor, I would just like to say to this Council and the citizens that I had an opportunity to go out to this facility and see the way things are operated out there, and I must say I was so impressed. They care for the environment. I went out when they actually recycle just about everything that comes through that plant and remake and repair our garbage cans, and over the years I think has saved us such a tremendous amount of money and the taxpayer. To watch and see exactly what the workers do out there in cleaning up the older garbage cans, for those of you who have garbage cans that probably need to be washed out or you can't get them cleaned, they have a new machine out there that I had the opportunity to watch. That stuff was obviously done in the past pretty much by manpower. Today it's assisted by a machine that cleans those garbage cans and prepares them to be brought back out to the citizens of Charlotte. I look forward to this business and partnership that we have, but more importantly the amount of money we are going to save our citizens over the years. That is the relationship I think we, as a government, should always look to for relationships where we can save the taxpayers money and also get a quality service, so I want to vote and move we approve this.

Mayor Foxx said I will just echo what you just said to some extent, Mr. Turner. I think the public needs to know that after all is said and done with our work to reshuffle the way we are delivering our solid waste services both in terms of privatizing the recycling contract and doing things a little differently within the regular trash pickup, we are expecting to save about \$43 million over ten years just on the single stream recycling and an additional \$4.68 million over ten years due to reorganization within our Solid Waste Department. So for those who are looking to see us work to streamline and find efficiencies, this is a good example of the way we are doing it. We don't always brag about it as much as we probably should, but I think this is good work, and I want to thank the staff as well as our Privatization and Competition Committee and all the others who have put the time in on this, so thank you very much.

The vote was taken on the motion and recorded as unanimous.

ITEM NO. 10: WORKFORCE DEVELOPMENT BOARD CONTRACT AMENDMENT

[Motion was made by Councilmember Carter and seconded by Councilmember Burgess to]
[amend the City's FY2010 contract with the Charlotte-Mecklenburg Workforce Development]
[Board by \$1,656,253 to administer professional services for workforce development programs]
[(total FY2010 contract amount of \$11,388,849), and adopt Budget Ordinance No. 4362-X]
[appropriating \$1,656,253 of federal Workforce Investment Act grant funding for local work-]
[force development programs for a total FY2010 contract amount of \$11,388,849.]

Mayor Foxx said, Brad, do you want to give us just a quick brief on what this does?

Brad Richardson, Neighborhood and Business Services, said, yes, I'm happy to. The City is a contract manager for the Federal Workforce Investment Act funds. We have managed a contract with the Charlotte-Mecklenburg Workforce Development Board. It's a body of 24 in our community appointed by the Mayor that oversees the Federal Workforce Investment Act funding. We estimate the contract each spring, and you approve it in your budget process. It's a rough estimate because the money rolls in throughout the year. This year, as expected with the economy being like it is and a lot of dislocated workers in the community, they have received more money than you originally budgeted for. This action will square up the contract that will enable us to pay them for services rendered in the community.

Councilmember Peacock said, Brad, on page 11, there is a notation that dislocated worker fund of \$1.2 million is to provide employment, training, childcare, and transportation to displaced employees. How much of that goes to childcare?

Mr. Richardson said I'll have to report back to you. These are services rendered at the Job Link system in our community, so one of the eligible expenses are for adults who are dislocated or low income as they receive training in our community through the federal funds one eligible expense is childcare. We can provide to you a percentage of that; is that what you are asking?

Councilmember Peacock said yes. I would just like to know is there a precedent for us including the childcare in that?

Mr. Richardson said absolutely. It's been part of the Federal WIA legislation since '99.

The vote was taken on the motion and recorded as unanimous.

The ordinance is recorded in Ordinance Book 56 at Page 533.

ITEM NO. 11: WORKFORCE DEVELOPMENT BOARD CONTRACT AMENDMENT FOR NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA

Brad Richardson, Neighborhood and Business Services, said this is the second time we have been in front of you with this. Again, we are a fiscal agent in this regard with a contract between the City and the Workforce Development Board, the same organization I spoke a moment ago about. Neighborhood Assistance Corporation of America received a grant from the state in the amount of \$1 million last June, I believe. The Council approved that contract for our role in that arrangement of a fiscal monitor at that time. Subsequent to that, the state raised the amount of the award by \$1.56 million. This will square up that deal and put our contract in good form so we may pass through the funds if NACA qualifies for the grant.

Councilmember Carter said about a year ago NACA came to town and we were absolutely thrilled that they settled in the east side. I'm wondering though if they have hired the thousand people that were promised and how many loans they have accomplished and if these loans were held to, in other words, if they were successfully negotiated, received, and are continuing with the families that were so impacted. That data would be very important to me.

Mr. Richardson said I will report back to you on that. I can tell you they have not yet reached the 1,000. They didn't anticipate reaching it this quickly, so they are – I checked with Deb Gibson from the Workforce Board, who is in the audience tonight, before the meeting. Four hundred is the number they have hired so far, and they will ramp up further as the year and the business still continue, but we can report back to you on loans and all that as well.

Councilmember Peacock said, Brad, you mentioned before that NACA could not receive funds, I believe, and there was some type of item that we had either voted on or been educated about as to how this was originally granted to us. Can you remind me again or remind the Council of what that was about?

Mr. Richardson said sure. NACA received two grants from the state, and this is the OJT (on-the-job) Training Grant, and that is what we are dealing with tonight. They also received a One North Carolina Grant, which is the governor's discretionary account that requires a local match. When those come into our community, we often match those with a business investment grant. Two items back, you will see Celgard received a business investment grant offer from the City. In this case, NACA being a nonprofit, does not pay property taxes, so we have no – they don't meet our policy for a business investment grant due to that fact. The state matched their own grant by funding an OJT grant through the local Workforce Board. Kind of confusing, but that's how it works. Does that jog your memory?

Councilmember Peacock said, yes, it does. Thank you.

Councilmember Dulin said do we have numbers about how many direct jobs come from these programs?

Mr. Richardson said by these programs you are talking about the state OJT training grant?

Councilmember Dulin said correct. You know, we are training folks to get a job. Do we have any idea how many people go get a job?

Mr. Richardson said I don't. I will do my best to find out and report back to you.

Councilmember Dulin said it would be interesting. You know, if we are training people to get a job and they don't get a job then we are spinning our wheels.

Mr. Richardson said let me clarify. The OJT grant, the very unique thing about this grant, the company employs the worker. That's the whole point. NACA will employ before they can receive funds. The purpose of this grant is to offset some of that productivity loss by hiring an unemployed or low income, low skilled worker, so it's opportunity costs. As we ramp up the skills of that employee, we compensate or the state compensates for that lost productivity. All of the workers that they are paid for under this grant will have been hired. Does that answer your question?

Councilmember Dulin said, yes, thank you, it clarifies it a little bit for me.

Councilmember Burgess said so if one of our citizens wanted a job through this grant then they would go to NACA?

Mr. Richardson said they can go directly to NACA over on the east side of town or they may quickly go through the Job Link system, which has a contract with NACA to find workers and employees as well, and there are five Job Links in our community.

[Motion was made by Councilmember Burgess, seconded by Councilmember Kinsey, and]
[carried unanimously to amend the City's contract with the Charlotte-Mecklenburg Workforce]
[Development Board by \$1,560,000 in additional On-the-Job Training Grant funding from]
[the NC Department of Commerce to Neighborhood Assistance Corporation of America,]
[(NACA) (total grant of \$2,560,000 over three years), and adopt Budget Ordinance No.]
[4363-X appropriating an additional \$1,560,000 in State On-the-Job Training Grant funds]
[for NACA for a total contract amount of \$2,560,000.]

The ordinance is recorded in Ordinance Book 56 at Page 534.

ITEM NO. 12: McMULLEN WOODS APARTMENTS REFINANCING

[Motion was made by Councilmember Barnes and seconded by Councilmember Burgess to]
[approve the Charlotte Housing Authority's assumption of the existing \$1,836,000 City loan,]
[approve a 20-year extension of the City's existing \$1,836,000 loan to become due and payable]
[in 2030, and approve a change in the City loan terms to allow the units to serve a mix of]
[incomes that include households earning 30%, 40,%, and 60% of the area median income.]

Councilmember Kinsey said I read this – I thought I read it, but I'm not sure. Does the Housing Authority pay this money back to us?

Zelleka Biermann, Neighborhood and Business Services, said your question, please.

Councilmember Kinsey said does the Housing Authority pay the City back for this loan?

Ms. Biermann said, no, they are not going to be paying the loan back, but they are asking to extend the loan as an assumption to the existing loan.

Councilmember Kinsey said I couldn't quite understand you.

Ms. Biermann said the Housing Authority are not going to be paying back the funds, but they are requesting to assume the loan for an extended 20-year period.

Councilmember Kinsey said so it's not a loan; it's more of a grant?

Ms. Biermann said it's an existing loan and will be an extended, deferred loan.

Councilmember Kinsey said when is it paid back?

Ms. Biermann said it will be paid back for another 20 years – a deferred loan.

Councilmember Kinsey said it will be paid in full at that time.

Ms. Biermann said yes.

Councilmember Kinsey said I just didn't quite understand. Thank you.

The vote was taken on the motion and recorded as unanimous.

ITEM NO. 13: BUSINESS INVESTMENT GRANT FOR CELGARD

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the City's share of a Business Investment Grant to Celgard]
[for a total estimated amount of \$452,322 over five years (total City/County grant estimated]
[at \$1,279,540.]

ITEM NO. 14: NOMINATIONS TO BOARDS AND COMMISSIONS

Charlotte International Cabinet – The following nominations were made for four appointments:

bvj

Melissa Johnson, Deputy City Clerk, said we have Karim Azar and Steve Goldberg, both incumbents, have six nominations. Deborah Bell has six nominations. Nadine Russell and Timothy Fallon have three nominations. Rory McNicholas and Lisa Rudisill have two nominations, and then Phillip Davis, Yolanda Perry, Heather Whillier, Erin Sanders all have one nomination.

1. Karim Azar, nominated by Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Peacock
2. Deborah Bell, nominated by Councilmembers Barnes, Burgess, Carter, Howard, Kinsey, Peacock
3. Phillip Davis, nominated by Councilmember Burgess
4. Timothy Fallon, nominated by Councilmembers Barnes, Howard, Kinsey
5. Steve Goldberg, nominated by Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Peacock
6. Molly Hedrick, nominated by Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Kinsey, Peacock
7. Rory McNicholas, nominated by Councilmembers Kinsey, Peacock
8. Yolanda Perry, nominated by Councilmember Carter
9. Lisa Rudisill, nominated by Councilmembers Kinsey, Peacock
10. Nadine Russell, nominated by Councilmembers Carter, Howard, Kinsey
11. Aaron Sanders, nominated by Councilmember Burgess
12. Heather Whillier, nominated by Councilmember Dulin

Councilmember Carter said was Molly Hedrick not nominated?

Ms. Johnson said I apologize. She has seven. I'm sorry.

Mayor Foxx said does that mean there were four with more than six?

Ms. Johnson said Molly Hedrick has seven. There are three that have six nominations.

Councilmember Burgess said would it be appropriate then for us to approve the four: Hedrick, Azar, Goldberg, and Bell tonight since they have the number of nominations that would qualify them to be elected?

Mayor Foxx said is there an objection to doing that by acclamation?

Councilmember Burgess said for the first four.

Mayor Foxx said you want vote on that?

[Motion was made by Councilmember Burgess, seconded by Councilmember Carter, and]
[carried unanimously to appoint Molly Hedrick , Karim Azar, Steve Goldberg, and Deborah]
[Bell.]

Mr. Hedrick, Mr. Azar, Mr. Goldberg, and Ms. Bell were appointed.

Charlotte-Mecklenburg Utility Advisory Committee – The following nominations were made for one appointment:

Ms. Johnson said David Jarrett has seven nominations.

1. David Jarrett, nominated by Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Kinsey, Peacock

[Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and]
[carried unanimously to appoint Mr. Jarrett.]

Mr. Jarrett was appointed.

Citizens' Review Board – The following nominations were made for one appointment:

Ms. Johnson said Paulette Michael has three nominations, Leslie Michaels has two nominations, Sharon High and Doris Bowen have one nomination each.

1. Doris Bowen, nominated by Councilmember Peacock
2. Sharon High, nominated by Councilmember Burgess
3. Paulette Michael, nominated by Councilmembers Barnes, Carter, Howard
4. Leslie Michaels, nominated by Councilmembers Dulin, Kinsey

Mayor Foxx said that's fine. We'll carry those forward.

Community Relations Committee – The following nominations were made for two appointments:

Ms. Johnson said Mark Friedland and Beverly Grant-Turner each have five nominations. Kenneth Rance, Ryan Rich, Gaynelle Thornton, and Jared Watkins each have one nomination.

1. Marc Friedland, nominated by Councilmembers Burgess, Carter, Dulin, Howard, Peacock
2. Kenneth Rance, nominated by Councilmember Barnes
3. Ryan Rich, nominated by Councilmember Kinsey
4. Gaynell Thornton, nominated by Councilmember Carter
5. Beverly Grant-Turner, nominated by Councilmembers Barnes, Burgess, Dulin, Howard, Peacock
6. Jared Watkins, nominated by Councilmember Kinsey

Mayor Foxx said I think we carry those forward. We don't have six on those.

Keep Charlotte Beautiful – The following nominations were made for one appointment:

Ms. Johnson said Anthony Ashworth has three nominations. Regina Tisdale-Melville and Cecelia Hendking each have two nominations.

1. Anthony Ashworth, nominated by Councilmembers Barnes, Dulin, Peacock
2. Cecelia Hendking, nominated by Councilmembers Burgess, Carter
2. Regina Tisdale-Melville, nominated by Councilmembers Howard, Kinsey

Mayor Foxx said carry those forward to the next time.

Neighborhood Matching Grants Fund Review Team – The following nominations were made for three appointments:

Neighborhood Leaders and Neighborhood Organization Leaders Category

Ms. Johnson said Jenifer Daniels and David Molinaro each have three nominations. Benjamin Heatley, has two nominations. Phillip Davis, Carol Scally, and Chaunta Jones-Hunter each have one nomination.

1. Richard Alexander, Jr., nominated by Councilmembers Kinsey, Peacock
2. Jenifer Daniels, nominated by Councilmembers Burgess, Dulin, Howard
3. Phillip Davis, nominated by Councilmember Howard
4. Benjamin Heatley, nominated by Councilmembers Barnes, Dulin
5. Chaunta Jones-Hunter, nominated by Councilmember Barnes
6. David Molinaro, nominated by Councilmembers Burgess, Carter, Kinsey
7. Carol Scally, nominated by Councilmember Carter

Mayor Foxx said we'll carry those forward.

Recommended by CMS

Ms. Johnson said Claudia Ollivierre has seven nominations.

1. Claudia Ollivierre, nominated by Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Kinsey, Peacock

Councilmember Barnes said I note here in the materials that this individual hasn't met the attendance requirements for the calendar year 2009, so I'm wondering if we would essentially be putting ourselves in a position to have to repeat what we are doing now. I don't know the circumstances of the failure to meet attendance requirements. I just note that in the materials. Does anyone know what the story is?

Mayor Foxx said does anybody have any information on that?

Councilmember Howard said Mr. Gorman sent a letter.

Councilmember Dulin said it doesn't say anything about why she wasn't making her –

Councilmember Barnes said I trust that, Mr. Howard. The concern I have though is if the attendance requirements weren't met last year are they going to be met this year?

Mayor Foxx said what do you want to do?

Councilmember Barnes said leave it open.

Councilmember Peacock said I was just going to ask the Clerk to repeat the votes again for Neighborhood Matching Grants.

Ms. Johnson said Jenifer Daniels and David Molinaro each have three. Richard Alexander, Jr. and Benjamin Heatley have two nominations.

Mayor Foxx said that's for the first two seats, right?

Ms. Johnson said yes. Phillip Davis, Carol Scally, and Chaunta Jones-Hunter each have one nomination.

Mayor Foxx said for the CMS is there anyone else on the list?

Ms. Johnson said that is the only applicant that we have thus far.

Mayor Foxx said you still want to leave it open, Mr. Barnes?

Councilmember Barnes said, Mr. Mayor, I'm obviously willing to support what the majority would suggest on this particular type of issue. It concerns me that we may be back in the same position in a few weeks or a few months if we are not sure why the person didn't meet the requirements. If she has got seven votes, then that's fine.

Councilmember Carter said could we send a letter to the lady saying we do appreciate her volunteer service. We are concerned about her record and hope that she will make every effort to participate in the decision making of the committee?

Mayor Foxx said we could do that. That's fine.

Councilmember Barnes said I agree.

Mayor Foxx said why don't we go ahead and have a vote on it, and then we can do a letter as well.

Councilmember Barnes said that's fair.

Councilmember Burgess said this is a School Board appointment, and we do have a letter from Dr. Gorman asking us to support her. I hope that is what we do tonight.

Councilmember Dulin said my guess is he doesn't know that she doesn't go to the meetings.

Councilmember Barnes said I get that, Mayor Pro Tem. What I'm suggesting is, and I think we are going to vote to put her back on. My concern is he should have known, someone should have told him that she didn't meet the requirements last year, so he is suggesting that we reappoint her, and she wasn't there. I don't know why. She could have been sick. I don't know, so that's why I'm saying I don't mind doing it and sending the letter that Councilmember Carter suggested.

Councilmember Burgess said I think that's fine, but she does work for Dr. Gorman, so maybe he'll see to it that she has the time to go.

Mayor Foxx said there is not a motion.

[Motion was made by Councilmember Burgess, seconded by Councilmember Barnes, and]
[carried unanimously to reappoint Claudia Ollivierre.]

Ms. Ollivierre was appointed.

Parole Accountability Committee – The following nominations were made for one appointment:

Ms. Johnson said Brigit Dean Taylor has six nominations.

1. Brigit Dean Taylor, nominated by Councilmembers Barnes, Burgess, Carter, Howard, Kinsey, Peacock

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to appoint Brigit Dean Taylor.]

Ms. Dean Taylor was appointed.

Zoning Board of Adjustment – The following nominations were made for one appointment:

Ms. Johnson said David Hoffman has three nominations. Mark Loflin has two nominations. Matthew Ewers has one. Joseph Lesch has one. Nicole Storey, Dazzell Matthews, Sr., and Steven Meckler each have one.

1. Matthew Ewers, nominated by Councilmember Kinsey
2. David Hoffman, nominated by Councilmembers Carter, Dulin, Howard
3. Joseph Lesch, nominated by Councilmember Carter
4. Mark Loflin, nominated by Councilmembers Barnes, Burgess
5. Dazzell Matthews, Sr., nominated by Councilmember Barnes
6. Steven Meckler, nominated by Councilmember Peacock
7. Nicole Storey, nominated by Councilmember Burgess

Mayor Foxx said we'll take that one to the next time.

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ITEM NO. 12: MAYOR AND COUNCIL TOPICS

Councilmember Dulin said this is small potatoes, but I just wanted amongst us out here publicly. I'm not happy – this is really small. It's embarrassing to bring it up, but I'm not happy with our new business cards, and I wondered if there were others on Council that would like to ask the Manager to take us back to our old cards and our old communication – this is a communication tool that I use, we all use, every day.

bvj

Councilmember Kinsey said agreed.

Councilmember Barnes said, Mayor, if I might. I don't know what the cost of replacement would be, but I would like to know what the cost would be before we say shred all those cards and print new ones.

Councilmember Dulin said I wish somebody had asked us before they did it. It would have been the time to say something.

Mayor Foxx said it's interesting. I was told, and maybe somebody can confirm, but I was told the cost of these cards was actually cheaper than the ones we were using, but could somebody confirm that?

Councilmember Turner said that's probably correct.

Councilmember Dulin said it's funny. I'm not alone except for now that I have brought it up publicly nobody is saying anything.

Councilmember Kinsey said I said I agreed.

Councilmember Kinsey said I said I –

Councilmember Turner said we have had this conversation before. I agree with you, but I also have the concern – I can't speak for anyone. I normally go through my two boxes before the fiscal year is out, and I would ask us to consider that. If you don't, then I guess there needs to be some discussion. I think the greatest concern was there was no communication between us and Communications that made that decision, and they didn't involve us. The problem I have with the card is more than anything is the information that was on my old card wasn't on the new cards, so we had to do them anyway. I have gotten another set because of that. I have four boxes of those cards.

Councilmember Foxx said can you take a look at that, Ron?

Ron Kimble, Deputy City Manager, said yes. Having heard this from several Council members last week, we have already had a conversation with the manager, and we will move into action to talk with each of you.

Councilmember Peacock said, Mr. Mayor, this is related to Item No. 9, and I was just going to comment, first and foremost, on the excellent work from staff as well, too, on that. I know you and I were in attendance for the Recycle Week that was kicking off. At that announcement, I had discussed the success of Recycle and Win from Coca-Cola, and I wanted to make a request to have staff start discussions again about their next program, which is going to be called Bigger and Better to help us with the advertising of the program for single stream recycling and to help us in that endeavor. We discussed it today in the Environmental Committee Meeting, and as you will recall, they had a 12-month contract with us, which has expired, and they would like to work with us on our schedule to help us with the coordination of that. I wanted, if there was no objection from Council, to have direction from here to have staff discuss it with them.

Councilmember Turner said I don't see Ms. Garland here, and I hate to do this, but there was also – Is she here?

Councilmember Peacock said actually I talked to her beforehand, but go ahead.

Councilmember Turner said it's not with regards to what you just said.

Mayor Foxx said you want to go ahead and –

Councilmember Turner said it has something to do with the recycling but not necessarily his topic.

Mayor Foxx said could we get some closure to Mr. Peacock's question? Is there an objection to that referral?

Councilmember Kinsey said I'm not quite sure I understand. Refer it to what, to whom?

Councilmember Peacock said nothing to refer to. Just simply give staff the direction to start discussions with Coca-Cola about a project that they will bring back to us to evaluate, which will be their second part to it called Bigger and Better.

Councilmember Kinsey said we are not saying that we will do anything; just directing staff to get information. Okay.

Mayor Foxx said any objection? Hearing none –

Mr. Kimble said is that Council's desire then for us to start conversations with Coca-Cola rather than referring it to committee.

Councilmember Peacock said yes.

Councilmember Kinsey said I want to make sure I understand. Are we starting negotiations with them because I don't have enough information?

Councilmember Peacock said, no, no. I don't want you to misunderstand what I was asking for. They have been in discussions with Solid Waste continuously about how the Recycle and Win Program has been going. They want to help us with another 12-month contract regarding Bigger and Better, and according to what we received from staff, they just need direction from Council as to begin discussions with them. If we need to seek a referral to the committee to discuss it more, we certainly could, but they have a good working relationship, and we talked about it in committee today.

Mayor Foxx said the idea is eventually there would be negotiation, there would be a contract, but this is not authorizing a contract negotiation.

Councilmember Peacock said is that enough for you, Mr. Kimble?

Mr. Kimble said the first I heard about this was late this afternoon. I'm just wondering whether the process that you all want to use is to instruct staff to go have those conversations or whether you all need more time to work that through the committee process, and we are open to however the Council wants to proceed.

Councilmember Burgess said I think that we should refer it to committee just to follow our process.

Councilmember Peacock said, okay, that's fine.

Councilmember Carter said there were several questions I asked today in committee, and I think they are really important that the Council know these. We have statistics that say that recycling is down nationwide, but the promise from Coke is that we would raise our recycling figures by 20%. I would like to see the comparison, look at the trend – how it's going – look at the awards to see if they are citywide, look at the number of awards and what we are achieving by this program so we can do a comparative basis and say that this is valuable for the City.

Councilmember Peacock said is that enough, Mr. Kimble?

Mr. Kimble said, yes, it is.

Mayor Foxx said so no objection to doing that to committee. Okay.

Councilmember Peacock said one other item in relation to this. I wanted to report back to the Council a meeting we had last week with Chairman Roberts relating to the potential mergers of two citizens advisory committees – Keep Charlotte Beautiful and Keep Mecklenburg Beautiful.

We have good discussions going, and we hope by April to have a dual citizen meeting on that subject. We have some enthusiastic people that are working hard on that subject and another potential opportunity for some savings internally here.

Councilmember Turner said I have two things. I see that Mr. Shaw has arrived for our Citizens' Forum. He was the first person. I want to know how we are going to deal with that matter tonight, but I hope we would give him an opportunity to come before this Council. Let me go back, Mayor. We need to talk about – there is a lot of information out here that is misleading in regards to – and I hate we didn't get Ms. Garland to clarify that. We are not for sure – did we instruct them that individuals can keep their red recycling container?

Mayor Foxx said they can if they wish, yes.

Councilmember Turner said saying that I think it does leave me with a little concern. We approved streamlining, and I know if we made that decision does that not complicate the process of which we were trying to implement in the first place, and that was to streamline our process, make it more efficient and also save time and dollars or the amount of people they use to do this. So we are still requiring them – we can still require somebody to bend up and pick up those bins when we now, in fact, are paying this kind of money for the larger recycling cans to be picked up by a machine. So, now we are doing two things, and I'm concerned that we don't know how many people are going to say, okay, due to the fact that the complaints we had earlier that, one, folks felt that they didn't want to have that big container in their garages. Some people felt like they didn't want to roll something else out of that magnitude. I have absolutely no way to measure how many people will keep the red bins. By doing this, I think that undermines the process of which we are trying to accomplish in the first place, so I personally think we probably should have never made that decision, but it's kind of like the horse is out of the gate, and this has been bothering me, but I wanted to get some clarification because I wasn't for sure. I remember we had the discussion, but you are now telling me we did, in fact, authorize the citizens that they could hold onto those bins and we will pick them up and dump them like we have been doing.

Mayor Foxx said, Ron, you might correct me, but I think the policy would be that the red bins could still be used. I don't know that it has been communicated to the citizens quite yet how the whole process will work.

Mr. Kimble said we reacted to the Council's questions and concerns about the balancing of trying to get as many people to go to the 96-gallon can as we could, yet balancing that against some of the people who didn't have the right amount of storage space and didn't want to have that bin take up a large amount of very precious space in their garages and their outdoor areas, so we came forth with that – we described it to Council. You pretty much authorized us to move forward under that basis, and we hope that as many citizens as possible go to that 96-gallon can, and we are going to try and encourage people to do that. But if they absolutely do not want to for valid reason then they have the red bin as their option, and they can get up to two because it's going to be a biweekly service. Right now it's a weekly service with one red bin. We also though made the statement and are going to hold to this that we are not buying replacement red bins for those individuals. They get to have those bins now, but there is no replacement of those bins in the future. They have to do that on their own cost and own satisfaction.

Councilmember Turner saying that leaves me with my other question. Well, are we authorizing them to repair those bins?

Mr. Kimble said they will more than likely have to go out and purchase replacement bins of a like size, shape, and ability to be dumped, and that will be part of their requirements and part of the policy.

Councilmember Turner said I understand this might be a little late after the process, but it scares me because when I think about neighborhoods with strong homeowner associations that restrict or dictate how a person can store their can if they are stored outside. They require fencing, they require all these things, so that, to me, was in itself a deterrent for people not to want to participate because I have no way of measuring how many people in north Charlotte, east Charlotte, west Charlotte, south Charlotte are going to hold onto those bins. If we are going to

be dealing with an issue of where we have more red bins out than we do new garbage cans, we paid a lot of money for those cans, and that has really brought a lot of concern to me. I'm not for sure we made the right decision. Actually, in my opinion, I think we made the wrong decision when we gave people that option. It's streamlining when we should have probably voted to do streamlining entirely and not allowed that to be an option. I do understand the concerns because I received those emails, and I had that concern as a citizen because I have to do the same thing. I think we are going to have – I hate to think what the media are going to do to us later on if we find out the next story is going to be that how many of these people are actually utilizing these garbage cans and how many people are actually utilizing the old bins.

Mr. Kimble said I think the initial testing and the feedback that we got I think we are all going to be pleasantly surprised about the number of people who are going to use the 96-gallon cans, but we needed to provide for that option for people who could not physically have the space for those bins to be located.

Councilmember Turner said can I request then of this Council and our City Manager to have Solid Waste Department provide us some documentation based on their delivery from Otto because they are the ones who are going to be delivering those cans. I think the other question is how do we know who wants them and who don't want them because what I'm understanding is they are just going to go out and drop these cans off. You are going to come back there and that can will still be sitting there because that person didn't want that can, and then they are going to call Solid Waste and say, hey, look, I don't want this thing. We have to go back out and get it. So my concern is how are we going to coordinate this whole movement to make sure we are giving cans to people that want them.

Mr. Kimble said we sent you a fuller explanation this morning electronically because some of the 96-gallon cans are arriving earlier than we thought by two weeks. We are making sure we can get them out there now, and we have worked with the company to be sure that if one gets delivered by mistake to somebody or if they haven't opted out yet that we have coordinated that re-pick-up so we can get the bin out of the street and make sure it's not where it's not supposed to be. We are doing the best we can, and I think we have communicated that to you. I think our estimates were somewhere in the 15% to 20% would be the maximum amount of bins that would be the red type bins versus the 96-gallon cans, and we put that out to you in several Dinner Briefings over the last six weeks, and that's our estimate – somewhere in the 15 to 20% range would be the maximum number of persons who would use the red bin approach as opposed to the 96-gallon can.

Mayor Foxx said I think what Mr. Turner is asking for is some report as this process plays out of how many actually get deployed and what the percentages are; is that correct, Mr. Turner?

Councilmember Turner said that is correct, and how are we articulating that to the citizens how they are to notify us whether they are going to opt out or not.

Mr. Kimble said all that is part of the communication strategy that is rolling out as we speak – rolled out a couple of weeks ago – and we are going to keep you fully informed through the method we did this morning to make sure you have got the latest and greatest information, and we will track on a numbers basis the exact number of bins out there.

Councilmember Carter said a question on that. To whom does that expense incur when they are picked up?

Mr. Kimble said we have coordinated that. We are going to keep the number that gets delivered to the absolute minimum. We are trying to get people to make sure they opt out as quickly as they can so we know that before the 96-gallon cart deliveries start. It's totally coordinated with the manufacturer of the cans and us trying to keep those to an absolute minimum.

Councilmember Carter said but it's our expense if we have to go back.

Mr. Kimble said we have agreed that we'll talk to them about how we get out there and get that retrieve back into our system. I don't know if we have settled that yet.

Councilmember Burgess said I just want to say that I completely agree with Councilmember Turner. I don't want to make it too easy to opt out because in the long run I think our people will understand that it takes the same amount of floor space storage for one red bin as the 96-gallon, and if they want two red bins, it's really to their disadvantage plus you have all that issue of wet recycling stuff especially the paper, so it's much easier for everybody concerned to use the rollout, and we should encourage that in every way and discourage the red bins which makes it much more expensive to pick up.

Mr. Kimble said there are many more disincentives to the red bins than there are to the 96-gallon can to the homeowner other than the space constraints, and we are educating them and explaining all those to them as this program rolls out.

Councilmember Howard said it's that time, folks. I want to tell you about the census a little bit, and I have bookmarks to pass out for you guys. These were actually put together by our Complete Count Committee here in the City of Charlotte with the assistance of our Corporate Communications Department, so just wanted to pass those out. Also, Councilmember Carter just shared with me that she is having a district meeting, too, and she has invited the census folks to come out, so I would encourage my colleagues if you are having meetings or your neighborhood associations are having meetings that you would do the same thing.

Just five quick steps about the census. One, the census is under way. The forms actually will be coming out in March. This is the count down. The forms will arrive to about 130 million addresses throughout the nation. It will be mailed to either the household or to the person there. Step three will be Census Day, which is April 1st, which is the goal to get all the forms back in. Remember, there are only ten questions – ten in 2010. If you can get those back in by April 1st. The fourth step would be a follow-up because every person counts. If you haven't gotten it in by April 1st, that is the time when census canvassers will come out and start knocking on your doors to get your information. Just so you will know, you can identify census workers with their badge and with their bag. Last, number five, the results will be in, and they will be shared, and then we'll decide how many people get new Congressmen and how we appropriate money. So, those are the five steps we take to get the census in. If you have more questions, go to 2010census.gov.

Councilmember Turner said we were going to address my dear friend up there. I don't know, Mayor, if you would allow him to come down before us at some point before we adjourn tonight – Mr. Shaw with regards to Please Stop the Violence.

Mayor Foxx said was he on the Speakers' List?

Councilmember Turner said, yes, he was the first one, and he was late getting here. I'm sure he was out doing some great work for our citizens.

Mayor Foxx said is there any objection by the rest of the Council? I'm happy to do it.

Councilmember Dulin said I don't object. While he is coming down, I want to remind Council that the new Solid Waste building will open tomorrow at 11:00 a.m. It's already open. The ribbon-cutting is tomorrow at 1105 Otts Street.

Councilmember Kinsey said, Mayor, they are going to do tours at 10:30 if anybody wants to come to the building early.

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Mayor Foxx said you have three minutes.

“PLEASE STOP THE VIOLENCE” INVITATION: BASKETBALL GAME AT BOBCATS ARENA

Dentis Shaw, 8007 Shadow Oaks Dr. #714, said first of all let me say I apologize for being late. I was held up, but thank you, Councilmember Turner, for allowing me to be here today. I'm basically here to invite you all to a Please Stop the Violence Night that we are going to be

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having with the Charlotte Bobcats. It's going to be on April 10th. We are teaming up with the Bobcats here to speak out concerning our message that we created several months ago, and you all have probably seen some of our stickers around the city, which we have done over 30,000 of these stickers, and hopefully within the next month we will be doing our first million stickers that we are going to be placing in this city as well as cities abroad. I will also be going before the City Council in Columbia, South Carolina, to invite them as well to this game that we are going to be having on the tenth. We also wanted to have maybe our governor there, our chief of police also, and it's going to be a big night for us. I just got one call from a church in South Carolina that they are going to be bringing five adults as well as 30 of their young people, and we are inviting churches from all over the city of South Carolina and North Carolina to be there on that night. It's just going to be a grand day for us. At the end of that game, we are looking at doing a team picture with the players from the Pistons and the Bobcats. It's going to be a really big night, and we would love to have all of you there for that game that night to say we have a problem in our cities and in our state and it is violence. Warren Turner was a very instrumental part of us getting the vision launched on May 8th down here in the Government Building. We had the chief of police there, the mayor at the time was there, and also our incoming mayor. I have a picture also, if you guys could maybe see these later on, of Mayor Foxx and the outgoing mayor taking a picture right in front of me, and at the time, we didn't know you were going to be mayor, so that was pretty neat. So we are excited about what we are getting ready to do as far as launching the vision. The vision is to do 50 million of these stickers nationwide to honor the 50 people that died in the plane crash coming from New York – the 49 people in the plane and the one guy in his house. Imagine, you are in your house. A plane falls out of the sky and kills you. So that is what our vision is about. It's about young girls like a five-year-old who was killed in Fayetteville, North Carolina, and a school teacher who was just killed here in our city. I went to his service, a young girl from UNCC – Eve Carson – who was killed out here at UNCC. So the vision has tremendous merits to it. Mr. Turner has been tremendous in helping us with this, and thank you for giving me an opportunity to share. I do have some flyers and stickers I would love to give you all and some of our cards, and I hope that you all can make it and be a part of that game on April 10th at 7:00. It's a Saturday night with the Bobcats. Thank you, Mayor, for letting me share.

Mayor Foxx said thank you very much and thanks for the work you are doing out in the community. I know it's making a difference for sure, and, Councilmember Turner, thank you for what you have done on that effort for sure. One last thing I want to say before we break up tonight, and that is I want to say a word of thanks to our staff for helping with three listening sessions and a job creation summit that we did on Friday. Some of you came to portions of the summit, and I have to say it was no attribution to me. It was a really, really good session where a lot of business leaders talked about ways that we could work together to grow jobs. Mr. Kimble, one recommendation I would have. An awful lot of the suggestions we got are things that are in the pipeline currently or making their way through the approval process by Council and consideration process. I think what we ought to do is catalogue everything we are doing that has some impact on trying to grow jobs in this community and put it in a form we can distribute to the community because I think it would help a lot of people understand the things we are doing in a lot of varieties to try to address the job situation. Without any objection, I would like to ask the staff to just do that, and we can have it available to all of us.

Councilmember Barnes said, Mayor, I don't necessarily have any objection in principle. One of the things I have heard from Manager Walton – I don't know if Mr. Kimble will speak to it – is the current workload we have put on them, and that is quite a cumbersome task, I believe. I would like his feedback as to what sort of commitment it would take in light of some of the other things they are doing for us.

Mr. Kimble said, as I understand it, it's an accumulation and a formatting of it in a packaged way that can show the efforts of our city in helping to grow jobs in the community. It will take a little bit of time, but I think it's well worth the effort because it's just a repacking and a re-accumulation in a better format. That is something we can do.

Councilmember Barnes said I assume it will have no impact on anything else we are trying to do.

Mr. Kimble said I would not think that it would at all. That's a good point. It will not.

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ADJOURNMENT

The meeting was adjourned at 8:11 p.m.

Melissa T. Johnson, Deputy City Clerk

Length of Meeting: 2 Hours, 47 Minutes
Minutes Completed: March 27, 2010